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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Second periodic reports of States parties

Viet Nam*

* For the initial report submitted by the Government of Viet Nam, see CEDAW/C/5/Add.25; for its consideration by the Committee, see CEDAW/C/SR.71 and 76, and *Official Records of the General Assembly, Forty-first Session, Supplement No. 45* (A/41/45), paras. 191-225.

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I. Introduction

1. The Socialist Republic of Viet Nam was the sixth State to sign the 1979 Convention on the Elimination of All Forms of Discrimination against Women. On 27 November 1981, the State Council ratified the Convention.

2. In implementation of article 18 of the Convention, Viet Nam began its first report on the implementation of the Convention in Viet Nam in August 1984, and submitted that report to the Committee on the Elimination of Discrimination against Women on 13 March 1986.

3. Since then, owing to a number of unexpected subjective and objective reasons, Viet Nam has failed to prepare a follow-up report in time.

4. The present second report reviews the implementation of the Convention in Viet Nam in the period since the first report up to the present. This is also a period when Viet Nam saw tremendous, thorough transformations following the comprehensive renovation process initiated by the Sixth Congress of the Communist Party of Viet Nam in December 1986. In the policy of the Party and the State of Viet Nam, human beings are considered the final target as well as the driving force for development. The comprehensive renovation has met the aspirations of the people. It received broad response and participation by people of all social strata, including women, and resulted in numerous substantial and important achievements that helped the country out of a socio-economic crisis in the late 1970s.

5. The report updates data on Viet Nam and its people, including changes in the political structure and the common laws by which human rights are protected, the dissemination of information and law enforcement over the past 10 years. The actual implementation of the convention (what has been done and what has not been done) and orientation for overcoming the situation is reviewed in terms of each article of the Convention. Although the State is responsible for implementing its commitments to the Convention, the report also touches on the activities and participation of social, mass organizations and the people themselves in promoting the cause of liberalizing attitudes towards women and gender equality.

6. The report is composed of the following parts:

(a) Introduction;

(b) General issues;

(c) Implementation of the Convention;

(d) Conclusions;

(e) Statistical information.

7. The report-compiling board comprised 11 members, representing some ministries and branches of government and some related agencies. The board was headed by a Deputy Foreign Minister who is also Vice-Chairman of the National Committee for the Advancement of Vietnamese Women.

8. In preparation for the report, the board collected and analysed statistical data from different periods, and held working sessions and seminars to gather opinions from people of different social groups, such as State agencies, socio-political organizations, women of all walks of life, scientific workers, researchers and social workers.

9. The report contains not only a review of the implementation of the Convention by the State, women and all people of Viet Nam, but also an expression of their commitment to the implementation of the Beijing Declaration for the advancement of women in the spirit of "Action for Equality, Development and Peace".

II. General issues

A. Land and people of Viet Nam

10. Viet Nam lies in South-East Asia. It has a territorial area of more than 331,000 square kilometres and in 1997 had a population of 76.7 million people, with women accounting for 50.8 per cent. The population growth rate is 1.8 per cent. About 20.8 per cent of the population live in urban areas; 37.7 per cent of the population is under 15 years of age and 5.4 per cent is over 65. The death rate of children under five is 6.1 per cent and the rate of women who die in childbirth is one in every thousand (0.1 per cent). Population density is 232 persons per square kilometre. Almost 27 per cent of households are headed by women.

11. People of regular working age and working capacity number 41.4 million, accounting for over 53 per cent of the population. Among them, women make up 50.6 per cent.

12. Working people involved in different sectors of the national economy accounted for nearly 37 million in 1997, or 48 per cent of the population. In 1994 the average life expectancy was 66 years for men and 68.6 years for women.

13. Viet Nam has 54 ethnic groups, with the majority of them being the Kinh (Viet), representing 86.8 per cent of the population. The country's administrative units are classified into four levels; 61 provinces and cities under the management of the Central Government, 600 districts/precincts and 10,331 communes/wards. Hanoi is the capital of the Republic.

14. At present nearly 80 per cent of Viet Nam's population lives by farming, mainly by manual work and is dependent on natural conditions. The shares of economic sectors in the country's gross domestic product in 1997 were: agriculture, forestry and fisheries, 26.2 per cent; industries and construction, 31.2 per cent; and services, 42.6 per cent.

15. In December 1986, when the first report was presented, the sixth National Congress of the Communist Party of Viet Nam put forth a plan for the comprehensive renovation of the country with the following fundamental aims: to change the country's planned, centralized economy to a multisectoral economy operating in a market mechanism under the management of the State with a socialist orientation; to democratize the social life on the basis of building a law-governed State of the people, by the people and for the people; to institute an open-door policy to increase exchange and cooperation with the world outside in the spirit of peace, independence and development.

16. In 1991, the Government of Viet Nam adopted a strategy for socio-economic stabilization and development towards the year 2000, with people as the focus of national development, to stimulate the potential of individuals and the community and harmoniously combine economic and social development.

17. The general objective of the strategy is to take the country out of crisis, to develop it quickly, and to double its gross domestic product by 2000 in comparison with 1990. This is a development strategy for the people and by the people. The aim of the strategy is to improve the lives, happiness and freedom of the human beings. This strategy also serves as the basis for the Government to realize its commitments to the Convention.

18. The renovation process has brought about important achievements, drawing the country out of the socio-economic crisis, to enter a new period of development, that of industrialization and modernization. On average, the gross domestic product increased by 3.9 per cent in the period 1986-1990. It grew by an average of 8.2 per cent in 1991-1995, 9.34 per cent in 1996 and 8.8 per cent in 1997, with a per capita income of US$ 326.

19. The inflation rate was reduced from three digits in the period 1986-1988 to 14.4 per cent in 1994, and down to 3.6 per cent in 1997. In agriculture, thanks to substantial investment in and reform of management, food production increased vigorously, enabling Viet Nam, once a regular rice importer, to place second in the list of rice-importing countries of the world. In 1997, Viet Nam exported 3.5 million metric tons of rice, with its industrial value up 13.2 per cent, and exports increased by 22.7 per cent.

20. Besides the economic success, the renovation policy also brought about encouraging social developments, contributing to political stability and boosting development in other fields:

(a) Job generation is an important national programme. The State creates favourable conditions in terms of law and policy to encourage Vietnamese and foreign investors to invest in promoting economic production, providing more jobs. Furthermore, the State established a national fund for the generation of jobs, which has provided preferential loans to support people in self-employment. As a result, in the period 1991-1997, more than 1 million jobs were generated each year, reducing the unemployment rate among people of working age from 8-9 per cent in 1990 to 6.02 per cent in 1997 (the unemployment figure among women was 5.5 per cent);

(b) Hunger eradication and poverty alleviation: economic growth is often followed by growing polarity between rich and poor. The Government launched a national programme for hunger eradication and poverty alleviation, established a bank for the poor and integrated the poverty alleviation objectives into other national programmes, thus bringing down the rate of poor families from 23.3 per cent in 1994 to 17.7 per cent in 1997 and 17.4 per cent in 1998;

(c) Education, which is one of Viet Nam's primary national policies, has obtained good results in recent years. The percentage of literate males was 91.4 and that of literate females was 82.31 in 1992-1993. Forty-two of 61 provinces nationwide have attained the national standards on illiteracy eradication and primary education universalization. The general education system has schools everywhere and primary schools in all communes. Progress in gender equality in education can be seen in the fact that women teachers make up 76.1 per cent of the teaching contingent, and that girls make up 50 per cent of all children attending kindergartens, 47.73 per cent of all primary school children, 47.02 per cent of all junior secondary school pupils and 46.5 per cent of all senior secondary school students;

(d) Public health care: the State has increased budget expenditure for health care to 15-20 per cent a year, and as a result, public health care has developed favourably. More than 90 per cent of the population has access to health care at the commune and ward level. The percentage of target children benefiting from the expanded immunization programme was 91.9 in the period 1992-1996 and increased to 95.4 in 1997, thus helping to considerably reduce the infant mortality rate caused by contagious diseases. The mortality rate of children under five years of age dropped from 8.1 per cent in 1990 to 6.8 per cent in 1994 and 6.1 per cent in 1997. The mortality rate of mothers was reduced from 0.11 per cent in 1996 to 0.10 per cent in 1997;

(e) Population and family planning: the Government has affirmed that population and family planning is a priority national programme, and that public awareness of this programme has been visibly raised over recent years. The percentage of gross birth rate dropped from 3.04 per cent in 1992 to 2.58 per cent in 1993, 2.49 per cent in 1994, 2.28 per cent in 1996 and 2.21 per cent in 1997. On average, the number of children born to a woman of reproductive age dropped from 3.8 in 1989 to 3.5 in 1993, 3.1 in 1994, 2.8 in 1995, 2.7 in 1996 and approximately 2.3 in 1997.

21. Women have contributed greatly to these achievements, which is evidence of gender equality in the socio-economic development of the country. At the same time, the achievements have also created favourable conditions for promoting gender equality in Viet Nam.

B. Political structure

22. On 2 September 1945, the independence of the Democratic Republic of Viet Nam was declared. In the many following years, under the leadership of the Communist Party of Viet Nam, the Vietnamese people conducted heroic struggles to complete the national, democratic people's revolution. On 30 April 1975, the south was liberated, the country was reunified. On 2 July 1976, the National Assembly of reunified Viet Nam decided to change the name of the country to the Socialist Republic of Viet Nam.

23. In the context of the comprehensive national renovation process, the National Assembly on 15 April 1992 passed the fourth Constitution (the other three Constitutions were passed in 1946, 1959 and 1980). This is the basic law of the State which defines the political, economic, cultural, societal, national defence and security systems; fundamental rights and obligations of citizens; the main relations between the State and citizens; and the structure and principles of organization and operation of the State apparatus. It also institutionalizes the relationship between Party's leadership, people's exercise of their right to mastery and State management.

24. The Communist Party of Viet Nam is the vanguard of the Vietnamese working class, the genuine representative of the interests of the working class, the labouring people and the nation as a whole, and the leading force of the country and society. All organizations of the Party operate within the ambit of the Constitution and laws.

25. The State of the Socialist Republic of Viet Nam is an independent, sovereign and unified State on its entire territory; a State of the people, by the people and for the people. All the power of the State belongs to the people.

26. The State apparatus of the Socialist Republic of Viet Nam is a system of State agencies from the central to the local levels, which are organized and operate in accordance with general and uniformed principles stipulated by the Constitution and laws, as a uniform mechanism exercising the functions and tasks of the socialist State which rules by law with a rational division of power among the legislation, law enforcement and justice. The State apparatus is composed of the following main bodies:

(a) The National Assembly is the highest representative body of the people, the highest State power of the Socialist Republic of Viet Nam and the sole body vested with the power to make the Constitution and laws. The National Assembly decides the fundamental internal and external policies, the socio-economic, defence and security tasks of the country, the basic principles on the organization and operation of the State apparatus, on the social relations and activities of the citizens. The National Assembly exercises its supreme right to supervise all activities of the State;

(b) The President is the Head of State representing the Socialist Republic of Viet Nam in internal and external relations;

(c) The Government is the law-enforcing body of the National Assembly, the highest administrative State organ of the Socialist Republic of Viet Nam. The Government exercises its unified control over the implementation of the political, economic, cultural, social, defence, security and external relations tasks of the State; ensures the efficient operation

of the State apparatus from the central to local levels; ensures respect and observance of the Constitution and laws; promotes the people's right as masters in national construction and defence; and sees to it that the people's material and cultural life is stabilized and improved;

(d) People's Councils and People's Committees:

(i) People's Councils are the State power agencies in the provinces and cities directly under the Central Government, districts and communes, representing the will, aspiration and rights of the people. They are elected by the people and bear responsibility before the local people and the superior State agencies;

(ii) People's Committees, which are elected by the People's Councils at different levels, are the law-enforcing agencies of the People's Councils and the State administrative agencies in the localities, responsible for observing the Constitution, laws and policies of the superior State agencies and the Resolutions of the People's Councils;

(e) The People's Courts and the People's Procuracy at different levels have the task of defending the rule of law of the socialist regime and the people's right as masters; defending the property of the State and the collectives; defending the life, property, freedom, honour and dignity of the citizens.

27. The Viet Nam Fatherland Front and its member organizations are the political bases of the people's administration. The Front promotes the tradition of unity of the entire people, strengthens the political and spiritual unity of the people, takes part in building and consolidating the people's administration, and together with the State, takes care of and protects the legitimate interests of the people, mobilizes the people to exercise their right as masters, strictly observe the Constitution and laws, supervise the activities of State agencies, representatives elected by the people, and State officials and employees.

28. The Viet Nam General Confederation of Labour is a broad political-social organization voluntarily set up by the working class, the intellectuals and the labouring people, in different economic sectors, administrative units, State agencies and social organizations, with a view to mobilizing forces to build Viet Nam into an independent, democratic and powerful country along the line of socialism and to build a strong Vietnamese working class taking care of and protecting the legitimate interests of labouring people. It is a member of the Viet Nam Fatherland Front led by the Communist Party of Viet Nam, having cooperative relations with the State and in cooperation with other member organizations on an equal footing. The Viet Nam General Confederation of Labour bears the massive and organizational characteristics of the working class and has the functions of taking care of and protecting the legal and legitimate interests of the labouring people; taking part in managing the State; supervising the activities of the State; and educating and mobilizing workers and other labouring people in bringing into full play their right to be masters of the country, discharging citizens' obligations, building and defending the Vietnamese motherland. The trade union organizations at all levels have women's work committees which are an organization of women workers.

29. The Viet Nam Women's Union, a political-social organization representing the will and aspiration of all Vietnamese women, together with State agencies, social organizations and economic organizations, takes care of and protects the interests of women, takes part in managing the State and society, takes part in controlling and supervising the activities of the State agencies and mobilizes women to promote the tradition of "heroic, indomitable, faithful and enterprising" women in national construction and defence. The Union has a four-level system: central, provincial, district and commune in all localities throughout the

country with a total membership of 10.1 million women, making up 62.6 per cent of all women 18 years old or older.

30. The National Committee for the Advancement of Vietnamese Women is an inter-branch agency established by the Prime Minister by decision 72/TTg of 25 February 1993 on the basis of perfecting the National Committee for the Decade of Vietnamese Women which was also established by the Government in 1985 to implement the Convention on the Elimination of All Forms of Discrimination against Women. The function of the Committee is to give advice to and supervise the implementation of policies towards women; campaign for and make reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. By June 1998, all 61 provinces and cities under the Central Government and 47 ministries, branches and mass organizations at the central level had established Committees for the Advancement of Women belonging to the National Committee by instruction 646/TTg of 7 November 1994. At present, the branches and administrations at all levels are continuing to establish committees for the advancement of women at the grass-roots level.

C. Framework of laws by which human rights are protected

31. The 1992 Constitution devotes all of chapter V, from article 49 to article 82, to defining the basic rights and obligations of citizens. Article 50 states: "In the Socialist Republic of Viet Nam, the people's rights in the political, civilian, economic, cultural and social fields are respected, as expressed in the citizens' rights and stipulated by the Constitution and laws." The use of the term "citizen" for everybody clearly expresses the viewpoint of the Vietnamese State that there is no discrimination whatever about gender.

32. Since 1987, in addition to the 1992 Constitution, Viet Nam has promulgated more than 13,000 legal documents, including more than 40 laws and codes, more than 120 ordinances, nearly 850 government documents and over 3,000 documents of the ministries and branches aimed at concretizing and creating an efficient mechanism for the implementation of the Constitution.

33. The important achievements in legislation made by Viet Nam in the national renovation process over the past 10 years or more are the surest legal guarantee for everybody to enjoy equal opportunities and conditions in exercising their fundamental rights, particularly gender equality. So far, Viet Nam has signed or acceded to almost all important international conventions of the United Nations on human rights (annex II). The basic human rights and freedom stipulated by those international conventions are respected by Vietnamese law by the fact that the State accepts their values and considers those international conventions as an integral part of Vietnamese law. Making those international conventions applicable in this country has become a principle in the law-making process in Viet Nam.

34. The system of State agencies, which exercises the function of defending laws, in which the citizens' rights are ensured, includes people's courts, people's procuracies, investigation and inspection agencies, State notaries public, the Bar Association, and evaluation and law-enforcing agencies. In the comprehensive renovation process, the reform of the organization and operation of these agencies has always been an important point in the process of reforming the State apparatus, building and perfecting the State of the Socialist Republic of Viet Nam. The principle of conducting trials on an independent footing and only observing laws has always been respected in the process of trial by the courts at all levels, especially with regard to violations of fundamental human rights and freedom.

35. The activities of the people's jurors and the reconciliation committees of communes and wards, especially those of the member organizations of the Viet Nam Fatherland Front, including the Viet Nam Women's Union, have effectively contributed to ensuring the exercise of citizens' rights in reality, particularly ensuring gender equality and defending the legitimate rights and interests of women. In addition, there are a series of specialized agencies that exercise the function of studying and monitoring the issues relating to the protection of human rights in Viet Nam in general, such as the Centre for Human Rights Studies under the Ho Chi Minh National Political Institute.

D. Information and promotion of public awareness of laws

36. In order to raise the public and authorities' awareness of the protection of human rights in general and women's rights in particular, Viet Nam has in recent years made great efforts in introducing, popularizing and explaining the legal documents. The National Political Publishing House has published in Vietnamese those United Nations conventions on human rights that Viet Nam has signed. The universities and research institutes have included human rights in their teaching and research programmes. A number of statutory provisions have been translated into the languages of ethnic minorities and made easy to understand. In addition, the information media also run special law programmes and often deal with the protection of human rights in general or gender equality and efforts to end discrimination against women.

37. The Department of Law Popularization and Education of the Ministry of Justice has the function of conducting law popularization and education among the public. The Department has regularly cooperated with State agencies, schools and social organizations in introducing legal documents to the people and the subject of law into the schools' curriculum.

38. Legal documents on human rights have been popularized in various forms to the public at the grass-roots level through various channels, including the Viet Nam Lawyers' Association, the Viet Nam General Confederation of Labour, the Viet Nam Women's Union, the Youth Union and legal consultancy offices. Leaflets, pamphlets and posters have been published, and talks and seminars on human rights have been held.

39. Under the Prime Minister's decision 03/1998/QD-TTg of 1998 on working out plans for law popularization and education in the period 1998-2002 and on establishing Cooperation Councils for Law Popularization and Education, by June 1998, 47 of 61 provinces and cities throughout the country had established such councils and passed law-popularizing plans.

40. A number of ministries, branches or other government agencies such as the Ministry of Foreign Affairs, the Ministry of Justice, the Committee for the Protection and Care of Children, and the National Committee for the Advancement of Vietnamese Women have been assigned the task of drafting Viet Nam's national reports on the implementation of international conventions on human rights. Mass organizations have always taken an active part in preparing such reports.

III. Implementation of the Convention on the Elimination of All Forms of Discrimination against Women

A. Article 1

Conception

41. The Government of Viet Nam was already fully and deeply aware of the content and significance of and reached consensus on the term "discrimination against women" before it signed and ratified the Convention on 19 March 1982.

42. "Discrimination against women" is interpreted as any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

43. The Communist Party of Viet Nam, as early as its foundation in 1930, included the "equality of men and women" as one of 10 key tasks of the Vietnamese revolution. President Ho Chi Minh, who set a bright example in upholding the spirit of the struggle for the liberation of women and the protection of the fundamental rights of women, said that mention of women meant mention of half a section of society; unless women were liberated, half of humankind was not liberated; and that unless women were liberated, socialism was only half built.

44. Article 63 of the 1992 Constitution stipulates that all acts of discrimination against women and all acts damaging women's dignity shall be strictly banned and article 71 says that citizens shall enjoy inviolability of the person and the protection of the law with regard to life, health, honour and dignity and that all forms of harassment and coercion, torture and violation of the honour and/or dignity of another person shall be strictly forbidden. The State's legal documents and policies in all fields adhere entirely and clearly to the principle of equality between men and women, free from discrimination in any form.

Reality

45. Viet Nam's struggle for national independence and reunification testified to the Vietnamese people's desire to eliminate domination by foreign invaders and to abolish the feudal regime, which maintained for thousands of years male chauvinist practices and inequality across all sectors of public life.

46. The orientation towards equality in Viet Nam has not only been expressed in a declaration but is also reflected explicitly in the party line and State policies and laws; it is respected and implemented in public life, within families and understood by all Vietnamese citizens.

47. The main goal of the current renovation process in Viet Nam is to build a State governed by law, of the people, by the people and for the people and to reach the target of a prosperous people, a powerful country and a fair and civilized society. This serves as an important precondition to ensure implementation of the principle on gender equality in public life.

48. The political report by the Eighth National Congress of the Communist Party of Viet Nam states that for women, a strategy for advancement of Vietnamese women to 2000 should be built and implemented, with the primary targets of creating favourable conditions to

promote all potential, to raise the role and position of, and to strengthen the full and equal participation by, women in political, economic, cultural, social or any other fields.

49. The spirit of democracy and non-discrimination against women has been manifested explicitly in all fields of public life and positively supported by mass organizations, with the Viet Nam Women's Union and the Viet Nam General Confederation of Labour being prominent. Viet Nam has made efforts and progress towards eliminating all forms of discrimination and achieving equality between men and women. The progress is remarkable, especially when compared with low economic growth rate of Viet Nam compared with many other countries in the world. Based on the development index issued by the United Nations Development Programme (UNDP) in the *Human Development Report 1998*, Viet Nam's ranking in terms of the gender-related development index is 40 times higher than its rank in terms of the gross domestic product share per capita.

50. However, Viet Nam is a country in the South-East Asian region where Confucianism seriously influences social life and vestiges of the feudal regime have not yet been completely eradicated. The East Asian people's "wet rice civilization" has had a strong impact on the production and lives of the population, and economic life still encounters countless difficulties, especially in rural, mountainous and isolated areas. All these factors pose major obstacles and challenges to the practical realization of the principle of equality between men and women.

B. Article 2

Principle of equality between men and women

51. The 1992 Constitution stipulates that all citizens are equal before the law (article 52) and male and female citizens have equal rights in all fields, political, economic, cultural, social and family (article 63). This is a regulation of principle, serving as the basis for all legal provisions relating to gender. The term "citizen" means a person of Vietnamese nationality regardless of sex, social background, religious belief, cultural standards, family history, economic status and other characteristics. "Equal before the law" means equality in enjoying rights and fulfilling obligations in all political, civil, economic, social and cultural fields as determined by the law. The principle of equality between men and women as well as orientation towards non-discrimination against women have been strictly observed and embodied in legal documents and regulations.

52. Integrated measures to ensure the realization of the principle of equality between men and women have been taken by State agencies chiefly through legislative, executive and judicial activities and also through rules on the organization and operation of people's organizations, social and occupational organizations of which each individual is a member. Worthy of note is that the law acknowledges participation by Vietnamese women on an equal basis with men, which means that they have the right to work directly in State agencies or to participate in all activities in the country's life. It is the strongest guarantee for the realization of the principles of equality between men and women and non-discrimination.

53. In law-making, according to the 1992 Constitution and the Law on Promulgating Legislation of 1996, State agencies, socio-political organizations, mass organizations and National Assembly deputies have the right to initiate any law or submit any bill to the National Assembly. In general, compilation of draft laws, codes or decrees is the responsibility of government agencies, with the Ministry of Justice playing an important role. The principle of gender equality has been ensured by the selection of staff for Legislation Boards in which female members account for between 30 and 45 per cent. This

ratio is nearly the same in the Ministry of Justice, standing at 40 per cent. The Viet Nam Women's Union played an important role in compiling and revising the 1986 Law on Marriage and the Family and the 1994 Labour Code. By participating in the compilation of legal documents, women have more opportunities to directly supervise the embodiment of the principle of gender equality in the law.

54. With regard to executive activities, the principle of equality between men and women is always considered and manifested in regulations, policies and plans of all branches and levels. State management agencies have paid attention to this principle while implementing projects on beneficiaries, participation, supervision and management. Development of a contingent of female public employees, managers and senior officials, consultation with women and encouragement of women's organizations and committees for women to join State administration and management constitute important measures to ensure practical realization of this principle.

55. In judicial and judicial support activities, the principle of equality between men and women is observed by strict legislation. The growing number of female staff in these agencies has further manifested the equality between men and women. Women account for 38 per cent of the staff of local people's courts, 30 per cent of people's jurors, 15 per cent of lawyers and 23 per cent of notaries public.

Measures prohibiting discrimination against women

56. The 1992 Constitution stipulates in article 63 that all acts of discrimination against women or damaging women's dignity are strictly forbidden. Article 74 states that all acts violating the interests of citizens shall be dealt with severely in time. A person who has suffered loss and/or injury shall be entitled to compensation for any material harm suffered and his/her reputation rehabilitated.

57. Meanwhile, the 1985 Penal Code states in article 125 that any person using force or committing a serious act preventing women from participating in political, economic, scientific, cultural and social activities shall be subject to a caution, or non-custodial re-education for a period of up to one year, or to a term of imprisonment of between three months to one year.

58. Article 111 of the 1994 Labour Code stipulates that employers shall be strictly forbidden to perform any act discriminating against women or damaging women's honour and dignity.

59. The aforementioned provisions aim to punish any persons committing acts of discrimination against women, be they husbands, children, parents, siblings, employers or employees of the women in question. They also serve as legal basis to ensure women's right to equality with men in family and public life.

60. In more than 10 years of implementing the renovation process, important progress was made in the struggle to protect women's right to equality with men. In political, civil, economic, cultural and social fields, Vietnamese women enjoy equal footing with men at different levels in different spheres and sectors; they enjoy equality of career opportunity and participation in socio-economic activities.

61. In addition to enforcement of legislation, numerous measures were taken to prevent and eliminate discrimination against women. Prominent measures include information and educational activities run by party organizations, as well as activities by the culture-information system, the education-training network and mass organizations.

62. Severe punishment was accorded to a number of cases seriously violating relevant laws, inflicting force against women, directly hurting women's honour, dignity, health or lives. The Penal Code provides the most severe sanction against rapists. However, many cases of this kind are not detected or prosecuted because victims remain afraid to speak out. This serves as an obstacle to the struggle against discrimination and violence against women.

Protection of women's rights

63. The rights of women to share an equal basis with men in political, economic, social and cultural fields is ensured and protected by the Constitution and the law. Any distinction made on the basis of gender is strictly forbidden by the law and condemned by society. The 1988 Litigation Code stipulates in article 4 that civil litigation shall be conducted on the basis that all citizens are equal before the law, regardless of sex, and that any person committing a crime or crimes shall be dealt with in accordance with the law. Depending on the characteristics of each act, violation or dispute, competent courts in Viet Nam are the Civil Court, the Labour Court, the Criminal Court, the Economic Court and the Administrative Court.

64. Protecting women's rights is also the responsibility of the Government and the administration at all levels as defined in article 12 of the 1992 Law on the Organization of the Government, which requires these bodies to implement policies and to take measures to ensure equality between men and women in all fields and to take measures to prevent and oppose all acts of a discriminating nature against or damaging women's dignity.

65. In over 10 years of implementation of the renovation policy, Vietnamese citizens better understand their rights and obligations as defined by the Constitution and the law. Citizens' conception of conformity with the law was raised. Violations of the law, especially violations of the principle of equality between men and women, and serious cases relating to discrimination against women have decreased. State agencies, from the central to the grass-roots levels, mass, social and economic organizations have always striven to facilitate the exercise by women of their rights on an equal basis with men in all fields.

66. However, a number of problems emerged during the enforcement of the law, especially in relation to women (both victims and perpetrators). When necessary, forcible measures such as prosecution or service of administrative fines, warnings or public condemnation, were taken with a view to ensuring women's rights to equality.

67. Women have the right to lodge complaints and/or denunciations with competent State authorities against the violation of their right to equality or freedom from discrimination in accordance with article 74 of the 1992 Constitution or the Decree on Citizens' Claims and Denunciations of 1991. Once having received applications of claim or denunciation, the competent State authorities are responsible for investigating, considering and dealing with the applications in accordance with the law. In cases of disagreement with the authorities' decisions, a citizen has the right to lodge a claim at a higher level or bring the matter to court in accordance with the law.

68. The Viet Nam Women's Union and other mass organizations play an extremely positive role in protecting their members' legitimate rights and interests. Members of mass organizations supervise operations of the administration at all levels, organizations and production establishments in order to ensure proper implementation of the law and State policies. The Union also defends and protects its members in cases of any violation of the law or policies by such institutions. In the five years from 1992 to 1996, the Union at all levels settled more than 70,000 letters of claim and denunciation on marriage and family and another 50,000 letters on other matters.

Prohibition from engaging in any act of discrimination

69. Legislation prohibiting discrimination and regular operations by agencies in charge of supervising or forcing the implementation of the legislation has prevented any individual or organization in Viet Nam from publicly engaging in acts of discrimination against women. Furthermore, State agencies and the administration at all levels have a duty to take the necessary measures to provide women with opportunities and conditions to exercise their rights on an equal basis with men in all fields.

70. There are, however, outstanding issues regarding respect of women's rights to equality while enforcing the law. The characteristics and degree of discrimination against women depend on the knowledge and specific situation of citizens. Among ethnic groups and people living in remote and isolated areas, who still face countless economic difficulties, have acquired little legal knowledge and are guided by local customs, inequality between men and women and discrimination against women still exist. In family life, children depend on their parents while wives depend on their husbands.

71. Hence, the protection of women's rights to equality, especially women of ethnic minority groups, remains a major task of State agencies, local administrations and communities.

Repealing penal provisions that constitute discrimination against women

72. The Penal Code of 27 June 1985 has undergone many amendments and supplements and has had a positive influence in fighting crime and protecting the legitimate interests of citizens, including the right to equality of Vietnamese women in all fields. The Penal Code has no provisions that constitute discrimination against women. The Code serves as the highest legal basis for Vietnamese courts to settle cases that violate women's rights to equality.

C. Article 3

Legislative measures to ensure full development and advancement of women

73. The term "legislative measures" used in the present report means building a legislative system that ensures the full development and advancement of women; the implementation of the legislation by the State, society and citizens; and the raising of women's capacity to understand and get access to the legislation, institutional developments and judicial agencies to protect their rights and legitimate interests for development and advancement.

Legislation

74. Over the past 10 years or more of implementing the renovation process, the State has generally improved the legal basis for guaranteeing the full development and advancement of women. The 1992 Constitution provides for a system of fundamental rights of citizens in all fields of public life and stipulates that female and male citizens have equal rights in all political, economic, cultural, social and family fields and article 63 states that the State and society shall provide women with conditions to raise their knowledge in all fields, constantly promoting their role in the society. Based on the 1992 Constitution, the State promulgated other legislation to provide detailed provisions on the content and modes of exercising citizens' rights and the right to gender equality was also recognized.

75. Women's political rights give legal insurance for women to participate directly in policy and law making or to decide on matters relating to rights, interests and advancement.

Women's political rights were not only provided for in the Constitution with the right to participate in managing the State and society (as defined in article 53) and the right to election and self-election to State agencies (article 54) but also incorporated in regulations on the organization and operation of the State apparatus from the central to the grass-roots levels. The 1992 Law on the Organization of the Government stipulates in article 12, clause 4, the duties of the Government, stating that the Government shall implement policies and take measures to ensure the right to gender equality in all fields, political, economic, cultural, social and family, and to protect and care for mothers and children. The Law also requires that the Government invite the heads of the Viet Nam Fatherland Front and its member organizations, including the Viet Nam Women's Union, to attend government sessions discussing relevant matters to create conditions for relevant people's organizations (including the Women's Union) to comment on draft laws, ordinances, resolutions and decrees relating to them and on the building of public authorities, and on how to implement State guidelines, policies and laws, and to supervise activities of agencies appointed by the people and public employees (as defined in article 39). The Government issued decree 29/ND-CP of 11 May 1998, promulgating the Regulations on Democracy in Communes and City Wards. The Regulations provide detailed provisions on the right to directly exercise democracy by people in general and women in particular in joining local administrations to decide issues essential to each person and each sex.

76. Women's rights in the economic, civil and labour fields provide a fundamental legal basis for women to gain a genuinely independent role in public and family life, serving as a firm foundation for the full development and advancement of women in the currently changing economic and integration trends. During the more than 10-year period of renovation, women's rights in the economic, civil and labour fields have undergone the most comprehensive development compared with previous years. Fundamental civil rights such as the right to possession and the right to inherit were recognized by the 1992 Constitution (in article 58) and embodied in details in the 1995 Civil Code and documents guiding the implementation of the Code; the right to land use was enshrined in the 1993 Land Law; the right to free trade was recognized for the first time by the 1992 Constitution and was provided for in details by the Commerce Law in 1997, the Law on the Encouragement of Domestic Investment in 1994, the Law on Foreign Investment in Viet Nam in 1996 and laws on different kinds of enterprises. The right to labour for women was built on a basis of ensuring their equality with men in key work vis-à-vis recruitment, employment, salary payment, occupational improvement, labour protection and social insurance, as well as the application of special, preferential measures to protect female workers, mothers and children.

77. The right to study, to conduct scientific research and to participate in cultural and artistic activities provides legal backing for women to have access to education and training, science and technology and traditional and modern cultures. It is a condition vital to the development and advancement of women during the present industrialization and modernization in Viet Nam. Citizens' right to study (as defined in article 59 of the 1992 Constitution) was manifested in part by the 1991 Law on the Universalization of Primary Education and the Education Bill which is being considered by the National Assembly for adoption. Citizens' right to conduct scientific and technical research and invention (as stipulated in article 60 of the 1992 Constitution) was provided in details by the draft law on science and technology, the 1995 Civil Code (in the section on intellectual property and technology transfer), the 1990 Press Law and the 1993 Publication Law, among others.

78. To guarantee women's exercise of the above-mentioned laws, the 1985 Penal Code reserves an article that prohibits infringement of women's rights to equality (article 125), stipulating that any person employing violence or committing other serious acts to prevent

women from participating in political, economic, scientific, cultural and social activities shall be punished under the criminal law.

State programmes and plans of action for the development and advancement of women

79. At the fourth World Conference on Women held at Beijing in 1995, the Government of Viet Nam declared its development strategy for the advancement of Vietnamese women till 2000, which contains the State's viewpoint on women's liberation, as follows:

(a) The liberation of women constitutes one of the important targets of the Vietnamese revolution, having a direct and long-lasting influence on the country's development;

(b) One of the important targets of the renovation process is to improve, in practical terms, people's material and spiritual life and to raise women's position in society;

(c) The advancement of women is for the interest not only of women and their families but also of society as a whole;

(d) The Government of Viet Nam has made enormous efforts to implement the Convention on the Elimination of All Forms of Discrimination against Women and the Nairobi Forward-looking Strategies for the Advancement of Women and is committed to continued allocations of the State budget to reach targets for the advancement of Vietnamese women till the year 2000 in the light of the spirit of the Beijing Conference.

80. In implementing the strategy, the Prime Minister, on 4 October 1997, approved in decision 822/TTg the National Action Plan for the Advancement of Vietnamese Women till 2000, containing 11 targets commensurate with requirements defined in paragraph 297 of the Beijing Platform for Action. The Action Plan cites guidelines of the Party and State of Viet Nam, reaffirming commitments to reach the target of action for equality, development and peace. Central branches and local administrations are accelerating work towards the implementation of the Action Plan.

Practical measures to ensure the full development and advancement of women

81. In addition to the legislative measures mentioned above, the State has devised and performed numerous measures to ensure the development and advancement of Vietnamese women.

Developing action organizations for women

82. In addition to legally created organizations, including the National Committee for Advancement of Vietnamese Women, the Viet Nam Women's Union and the Committee on Women's Work under the Viet Nam General Confederation of Labour operating from the central to grass-roots levels, more than 20 establishments for women have been established, including the Council for the Advancement of Female Youth, two women's museums, one women's publishing house, five women's newspapers, two schools that train officials for the Viet Nam Women's Union, and a system of over 130 vocational training and job placement centres for women. These institutions receive financial support and various incentives from the State.

Developing research on women, gender and training

83. There are two State institutions, namely the Centre for Research on Family and Women (under the National Centre for Social Science and Humanities) and the Centre for Research

on Female Workers (under the Ministry of Labour, War Invalids and Social Affairs), and nearly 10 other institutions in the country conducting research and training on women and gender issues. Research works and training programmes receive financial assistance from the Government and other organizations. According to the National Action Plan, a network of projects for research into gender and women is being established under the management and operation of the National Centre for Social Science and Humanities as assigned by the Government. Many research projects have gained valuable results, making great contributions to the development of laws on female State employees as well as to the general women's movement and activities of other mass organizations.

84. The Government permitted branches and administrations at all levels and encouraged mass organizations to set up funds to support talented women and to train women. Between 1995-1997, the education-training sector trained 300 female cadres in leadership and is conducting a post-training course on management as well. In addition, more than 3,000 officials, male and female, were provided with information on gender issues and more than 1,500 female officials were trained in leadership skills prior to their election to the National Assembly and People's Councils.

Other support measures

85. The Party Central Committee developed guidelines for the establishment of working teams aimed at expanding the contingent of female officials and Party members.

86. Support measures through projects exclusively designed for women have been given special attention. Women have become a prime concern of national programmes for poverty eradication, job generation, population and family planning, the fight against a number of communicable diseases, killer diseases and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), safe water and sanitation. Projects carried out by the Women's Union and other mass organizations and branches have received financial assistance from the State and international organizations. The Viet Nam Women's Union received more than US$ 10 million from foreign official development assistance and humanitarian aid between 1992 and 1997. The National Committee for the Advancement of Vietnamese Women has been assigned by the Government to carry out a project on strengthening the capacity to implement the national action plan with UNDP funding of more than $1.5 million during the period 1996-1999. These projects have made practical contributions to improving the material lives of women.

87. Emulation and commendation campaigns have been launched regularly in all branches and at all levels. Outstanding women's groups and individuals were awarded commendations from the State. During 1992-1997, 75 women's groups and individuals were conferred with medals by the State and 40,553 women throughout the country were granted the title of "Vietnamese Heroic Mother". By 1996, 318 women had been presented with the title "Labour Hero" or "Hero of the Armed Forces"; three with the title "People's Teacher"; 372 with the title "Meritous Teacher"; three with the title "People's Physician" and 41 with the title "Meritous Physician". Tens of thousands of female workers received the title "Meritous Worker" and were presented certificates of merit by the State, branches and mass organizations for outstanding achievements in production, studies, scientific research, cultural, artistic and sports pursuits as well as in social and humanitarian activities. "Creative Labour" certificates were conferred on 467 female public employees and "Excellence at Work and Home" titles were presented to 568,000 others by the General Confederation of Labour. This shows a recognition of women's advancement and their contributions to all fields of public life.

D. Article 4

Socialist Republic of Viet Nam's concept of article 4 of the Convention

88. As mentioned in previous articles, the Vietnamese legislative system has created a relatively complete legal basis for the realization of equality between men and women. However, in fact, there remains unequal treatment towards men and women in the realization of citizens' fundamental rights, including restriction on conditions and opportunities for women compared with those available to men.

89. With a view to acknowledging gender differences, especially differences relating to maternal function, as well as equality between men and women, the State has taken numerous measures, including special legal measures, to protect women's interests.

90. These special measures appear outwardly discriminatory. But the contents of the measures and their impact on women and the country's socio-economic development are necessary and cannot be considered discriminatory as defined by the Convention. These measures are considered positive discrimination, contributing to the acceleration of de facto equality between men and women, and are acknowledged and supported by society. They are temporary special measures and will be discontinued when the objectives of equality have been achieved.

Temporary special measures taken to accelerate equality between men and women and to protect maternity

91. The 1980 and 1992 Constitutions affirm the attitude and responsibility of the State and society in creating conditions for women to increase their level in all fields, to ease family burdens, to participate in production, work and labour activities, to have access to medical treatment, to take rest time and to discharge the task of maternity. Article 63 stipulates that a female employee has the right to preferential treatment during pregnancy and the natal period. A female public employee or a female wage earner has the right to pre-natal and post-natal leave and salary and allowances as provided for by law.

92. In the labour market, the 1994 Labour Code provides in chapter X 10 articles with separate provisions for female employees, embodying women's rights on an equal basis with men and containing measures aimed at ensuring the realization of equality, which include preferential policies towards female employees and employers of female workers, especially female employees during pregnancy, maternity leave, or when nurturing an infant. The policies are as follows:

(a) Recruitment: an employer must give preference to a female who satisfies all the recruitment criteria for a vacant position acceptable to both males and females in an enterprise (article 111, clause 2). Decree No. 23/CP of 18 April 1996 provides detailed guidance on the implementation of a number of articles of the Labour Code that provide for specific provisions on female labourers and stipulates in article 9, clause 2, that acts restricting females from the possibility of recruitment are forbidden;

(b) Using employees: an employer is not allowed to use female employees for work that involves hardship, danger or contact with noxious substances that may have a negative impact on childbirth and child nurturing functions, or for work that involves underground mining or immersion of the body in deep water. A list of 49 tasks that employers are banned from using female employees was issued by the Ministry of Labour, War Invalids and Social Affairs and the Ministry of Public Health in Inter-Ministerial Circular No. 03 of 28 January 1994. Article 113 of the 1994 Labour Code states that any enterprise that uses female

employees for tasks mentioned above must devise a plan to provide professional training and further training and to improve working conditions for female employees;

(c) Guarantee of security, working hygiene and social welfare: the 1994 Labour Code stipulates in articles 116 to 118 that enterprises that have female employees must have dressing room(s), bathroom(s) and female toilets and they have the responsibility to help in the organization of creches and kindergartens or to contribute to part of the cost borne by mothers whose children are of creche or kindergarten age. A member of the senior management in the enterprise must be assigned the task of looking after and dealing with issues relating to the rights and interests of women and children. The employer must consult the representative of female employees when deciding on these issues. Membership in labour inspection teams must include an appropriate proportion of women;

(d) Preferences to employers of large numbers of female employees: an enterprise where a large number of female employees are employed (with 10 to 100 female employees working regularly and female employees accounting for more than 50 per cent of the workforce; or an enterprise having 100 or more female employees who account for at least 30 per cent of the regular workforce) shall enjoy preferences as defined in article 5 of Decree 23/CP of 1996. The preferences include low interest loans, financial support for projects to transfer female employees from banned tasks to appropriate ones; entitlement to use part of the annual investment capital to improve working conditions for female employees; and profit tax reduction (the total value of which is not lower than the increased spending owing to the use of a large number of female employees). Decree 23/CP also stipulates in articles 6 and 7 that where an enterprise obtains no profits, then increased spending owing to the use of a large number of female employees shall be considered proper spending;

(e) Special measures to protect female employees who are pregnant or raising children: the Labour Code stipulates in articles 111 and 112 that an employer is not allowed to dismiss or unilaterally end the labour contract of a female employee on account of her pregnancy, maternity leave or nurturing an infant who is less than 12 months old, unless the enterprise itself ceases to operate; and that a pregnant female employee shall have the right to unilaterally terminate her labour contract without being required to pay any compensation if a written doctor's certificate states that continued work would have harmful effects on the fetus. Meanwhile, articles 114 and 115 stipulate that a female employee from her seventh month of pregnancy or who is nurturing an infant less than 12 months old shall not be asked to work overtime, at night or in distant locations; that a female employee has the right to pre-natal and post-natal leave, amounting to a total of from four to six months, and leave for pregnancy examinations or raising a sick child less than seven years old; while absent on sick leave, a female employee shall be given a social insurance allowance which is equal to 100 per cent of her wage and be guaranteed employment upon her return to work.

93. Although the national economy is developing slowly, unskilled workers are made redundant, and the cultural and professional level of female employees is low in comparison with that of males, the State has consistently taken a number of special measures as mentioned above with the aim of helping women achieve de facto equality with men in a way that is suitable to their biological and physiological characteristics as well as their role as a mother. These measures are not considered discriminatory by the public.

94. In the field of marriage and the family, the principle of equality between husband and wife runs alongside the principle that the State and society shall protect mothers and their children and shall assist mothers in fulfilling their noble tasks of motherhood as defined in article 3 of the Law on Marriage and the Family promulgated in 1986. Article 11 stipulates that the husband, besides his rights and obligations shared with the wife in relation to all

areas of family life, shall have the duty to create conditions for his wife to fulfil her role as a mother.

95. Following the principle of protecting mothers and their children, the Law on Marriage and the Family stipulates in article 41 that a husband may not sue for divorce when his wife is pregnant or during the first year after the birth of the child and that this provision shall not apply to the wife's request for divorce. In dividing the property of a couple upon divorce, in principle, common property shall be divided into two parts taking into consideration the situation of the family and the contributions of each party, but when dividing property, the interests of the wife and the adolescent child must be guaranteed (as defined in article 42). This provision originated from the fact that the majority of Vietnamese women live with their husbands' families after marriage. During the time spent living with the husbands' families, women often work industriously and contribute to building and developing common property, hence when divorced, women should be guaranteed accommodation for a new life, especially when living with adolescent children.

96. In the penal field, the principle of protecting mothers and children has been explicitly embodied in the legislative system, with the Penal Code stipulating in article 38, clause 1 (e), that when an offender is pregnant, this is considered an extenuating factor, and article 39, clause 1 (d), of the Penal Code as amended and supplemented in accordance with the 1997 Law on Amendments and Supplements to a Number of Articles of the Penal Code, states that committing an offence against children or pregnant women is considered an aggravating factor.

97. Law makers have taken careful consideration of the status of women, bringing into the Penal Code special provisions aimed at protecting mothers and children in cases relating to criminal offences. Clause 4 of article 101 of the Penal Code as amended and supplemented in accordance with the 1989 Law on Amendments and Supplements to a Number of Articles of the Penal Code relating to murders stipulates that if a mother, strongly influenced by old beliefs or in other special circumstances, kills her newborn baby or abandons it causing its death, she will be subject to non-custodial reform for a period of up to one year or to a term of imprisonment of between three months and three years. This is the lightest punishment imposed on a murderer. Realities in recent years forced the Vietnamese National Assembly to pass in May 1997 a Law on Amendments and Supplements to a Number of Articles of the Penal Code, imposing heavier punishment on acts of sexual abuse against children and adolescents. In relation to crimes of drug use, article 185 (i) and (m) states that when a crime is committed against a pregnant woman, this is considered an aggravating factor, and the offender shall be subject to a term of imprisonment of between 7 and 15 years (scale 2) instead of between 2 and 7 years (scale 1).

98. In other fields, the Ministry of Education and Training regularly instructs provincial and municipal educational departments to take measures to expand enrolment opportunities for girls in order to balance the proportions of male and female students and to decrease the number of drop-outs among schoolgirls. A number of localities are giving training allowances to female cadres that are from 20 to 50 per cent higher than those given to male cadres in order to encourage females to improve their abilities and status.

99. Women are also targets of a number of social policies, especially elderly, single and handicapped women or women benefiting from the State's preferential treatment. In social movements, such as the one that promotes the concept that people should know the source of the water they are drinking, as well as in relief aid for natural disaster victims and charity activities, women and children are always given preference.

100. Implementation activities related to the above-mentioned special measures were studied by the administration, people and mass organizations, including the Women's Union and the Committee for Women's Work.

101. In addition to general regulations on gender equality, the special measures have contributed to easing difficulties for disadvantaged women and positively protected mothers before, during and after their pregnancy and maternity period. The implementation of these special measures during the rapidly changing socio-economic situation has posed various questions to be considered. There has been ongoing debate on questions relating to pension age applied to different kinds of labour, list of jobs from which female employees are banned and preferential treatment to enterprises having a large number of female employees. Issues will be considered in order to ensure that preferences meet the legitimate aspirations of a majority of women and conform to the present socio-economic situation. The relevant agencies are requested to take measures to decrease the number of school drop-outs among female students; to implement literacy programmes among mountain and ethnic minority women; to facilitate women's access to vocational training and improve their professional level; and to apply social policies to rural women.

E. Article 5

102. Viet Nam is an East Asian country with a wet-rice civilization and ancient Confucian influences; each of these factors are major obstacles to the advancement of women. The State, acknowledging the problem following its establishment, took positive measures aimed at eliminating prejudices, backward customs and other practices in order to achieve gender equality.

Prejudices and customs and other practices that have adversely influenced the advancement of women

103. Attitudes have changed little throughout history. The following sayings typify the gender-characterized prejudices that have lain in the depths of people's subconscious for many generations:

(a) "External affairs for men and internal affairs for women", which means that men have the right to participate in ancestral and national activities and the duty to shoulder social work, while women should care for the home and the children. Men are considered the soul of the home, as in the saying "a home without a man is like a desert", while women are considered the soul of the kitchen, as in the saying "a kitchen without a woman is like an empty room";

(b) "A husband is a lord and a wife is a servant", which means that the husband is the commander who decides on all major family issues and the wife is the executive who is obliged to obey the husband and to serve the children;

(c) "The three follows", whereby a woman must strictly observe the principle to follow her father when she is single, to follow her husband when she is married and to follow her son after her husband dies;

(d) "One son is counted, 10 daughters aren't", according to which the value of men is praised while the value of women is rejected completely.

Customs and practices

104. People of ethnic minority groups account for nearly 15 per cent of the country's total population and are scattered across the country. Each ethnic minority group has its own customs and practices, which were developed long ago and are handed down from generation to generation. Many customs and practices are progressive, such as the lifelong monogamy of the Tay, Nung, Dao, Khmer, Gia Rai and Ba Na groups; and the common family property of the Ede and H'mong groups. There remain backward customs and practices that hindered the development of women and men, including under-age marriage, forced marriage, demanding wedding presents or banning marriages between men and women of different nationalities. The role, responsibility and powers of the wife and the husband are not always the same. In ethnic groups that stress paternity, the wife depends on the husband; but in groups where maternity is stressed, the husband must stay with the wife's families for ever; he cannot hold separate property, and has no right to decide anything or to accept or hand down an inheritance.

105. These prejudicial customs and practices have resulted in attitudes and conduct that promote women as inferior, negligent care of women and children and maltreatment of wives and children.

Measures taken with a view to eliminating prejudices, regressive customs and practices

106. Aware of the harm caused by regressive customs and practices to women's development and the realization of gender equality, the State has taken numerous positive measures to eliminate the practices. With the aim of developing Vietnamese culture, the 1992 Constitution stipulates in article 30 that the State and society shall preserve and develop the Vietnamese culture of national characteristics, modernity and humanity, and that the propaganda of all reactionary and depraved thought and culture is forbidden; superstitions and harmful customs are to be eliminated. Meanwhile, the 1995 Civil Code reaffirms the principle of respecting good morals and traditions (article 4), the principle of respecting and protecting personal rights (article 5), including the rights to safety of life, health and body (article 32), and the right to protection of honour, dignity and reputation (article 33).

107. After analysing customs and practices that have influenced the development of women, Viet Nam developed an objective and scientific approach to those customs and practices in order to identify which cultural patterns and conduct were positive or negative, and decided which patterns were to be modified or promoted. Legislation, draft laws and revised laws all respect the principle of respecting and promoting fine customs, practices and traditions and of modifying and eventually eliminating regressive customs, practices and traditions that run counter to the law.

108. During 10 years of implementing the renovation process with a view to building a just and civilized society, the Government developed important plans to check and eventually eliminate views and practices of gender prejudice. The plans received a warm response from all branches and support from people from all walks of life, especially women and their representative organization, the Viet Nam Women's Union. The plans focused on information and education measures, with a prominent movement to build a civilized way of living and a new type of cultural family being launched by the cultural service nationwide. In mid-1998 the Party Central Committee issued resolution No. 05 on building an advanced culture imbued with national identity.

109. Education on concepts and conduct has been introduced to schools through such subjects as "education of citizens" and others, operation of Pioneers' Brigades, Youth Unions and Youth Associations. Students have been trained in gender issues, Viet Nam's fine customs, children's duties towards their parents and the duties of citizens towards society.

110. Gender-related issues were first introduced to Viet Nam in the early 1990s and have been studied by administrative officials and women's organizations. The Ministry of Education and Training is in the process of introducing gender studies in general education schools, colleges and universities.

111. The Government encourages the mass media to disseminate information and educate people on gender equality. Assigned media agencies are encouraged to reflect truly and completely the role and position of women in public life. Violence, sexual harassment and commercialization of female images are all forbidden in the media. Almost all media groups in Viet Nam, including the national radio, television and press, run separate programmes or columns on women, praising the virtue of the Vietnamese people, hailing prominent women and criticizing views, practices and social evils that harm women and girls. Some advertisements that abuse women have been criticized by the administration and society. The negative portrayal of women in advertisements is seldom seen in Viet Nam.

112. Backward customs such as under-age marriages or demanding wedding presents, acts violating monogamy regulations and the mistreatment of wives and children have been dealt with severely by legislative, administrative or educational measures. As a result, the number of such cases has dropped, with some still found in remote areas or areas inhabited by ethnic minority groups. Operation of mass organizations, including the Viet Nam Women's Union, the Farmers' Association, the Youth Union and the Viet Nam Fatherland Front, have created favourable conditions and opportunities for women to participate in and make greater contributions to social activities.

113. With simultaneous use of the aforementioned measures, public opinion has been manipulated for the better: poor gender consciousness has been modified in part; backward customs and practices have decreased; and society has made some acknowledgement of the rightful role and position of women.

Family education

114. In Viet Nam, the family plays a special role and is "the nucleus of society". Vietnamese traditions treasure family values, praise sentiments and responsibility among family members and respect for old people and women and affection for children. In family and public life, the role of the wife and the mother has been satisfactorily accepted. The 1986 Law on Marriage and the Family stipulates that the wife and the husband have equal rights and obligations in all fields in family life (article 10), parents have the obligation to love, bring up and educate children and share duties on studies and healthy development, physically, intellectually and virtually (article 19) and the interests of children shall be given first priority (articles 41 and 42).

115. Family education has been given attention by the Government and branches. The Committee on a New Type of Life Style issued on 20 July 1989 circular No. 35 on accelerating work to build a new type of cultural family, aiming to build families of "wealth, equality, progress and happiness". In response to the International Year of the Family, 1994, the Government set up a national steering board to run activities relating to the theme "family, responsibilities and resources in a changing world". Family issues have become a theme for State-level research projects that aim to discover and promote fine traditions

in modern Vietnamese families. The Viet Nam Women's Union launched in 1990 two campaigns, entitled "Women help each other develop a household economy" and "Raising children well", helping to reduce the number of malnourished children and school drop-outs. At its eighth congress in 1997, the Union launched a campaign on the themes "Women actively study, creatively work, raise children well and build happy families", while the Viet Nam General Confederation of Labour ran the "Good at State work and housework" campaign among female public employees, and the Viet Nam Fatherland Front ran the campaign on the subject "Grandparents live exemplary lives and grandchildren live dutifully". These campaigns, together with activities in schools and through media groups, have helped people better understand the role of each member of the family, the husband sharing the workload with the wife and the mother, thus establishing close ties among family members in accordance with the fine traditions of Vietnamese families.

116. The roles of wife and husband have been altered: the husband, far from controlling and deciding all matters of the family, now discusses family matters with the wife and cares for the family and children with the wife. Children have received the most attention and investment of all members in Vietnamese families. Socio-economic life in the country has been improved during the renovation process, providing favourable conditions for families to give better care for children.

117. Although public consciousness has progressively changed, incorrect opinions regarding the role of men and women have not yet been completely eliminated. In public life, many believe it is impossible for women to shoulder key tasks. In family life, women influenced by traditions spend most of the time doing housework and caring for old people and children without caring for their own health. This problem requires wider and uninterrupted education on gender issues for all members of society.

F. Article 6

Preface

118. Trafficking in women and exploitation of women for prostitution is a common concern worldwide. The vice is on the rise, reaching alarming levels in some developing countries, including those in South-East Asia. Thus, solutions to this problem should be placed against this regional and international background.

119. To Viet Nam, it is clear that in the process of "opening the door" and developing a multi-sectoral economy, economic growth is accompanied by increasing social evils. Although the law and policies of the Party and the State of Viet Nam prohibit any act damaging women's dignity or discriminating against women, in reality trafficking in women and prostitution across national borders and in the country remain at a worrying level.

120. The trafficking in women in Viet Nam is deeply rooted in the brisk business of international trafficking networks in women and children. Additionally, as a negative effect of the market economy, prostitution and trafficking in women have become a very profitable business for some. Illiteracy, unemployment and poverty are direct causes that lead many women and girls in both urban and rural areas to prostitution. Other causes include the lack of available information on the problem, tricks by traffickers, poor understanding of the law by women and girls and the often delayed and lax administrative and legislative action against the practice taken by authorities and relevant justice bodies at all levels. Viet Nam considers trafficking in women and exploitation for prostitution as illegal acts that have serious and long-term social effects , violating human rights and women's dignity, causing long-term psychological and physical damage to the victims, facilitating the spread of

sexually transmitted diseases, especially HIV/AIDS, and adversely affecting family happiness and Vietnamese traditions. The Party and the Government have been making great efforts to eradicate these evils.

Solutions to prevent trafficking in women and exploitation of women for prostitution

121. Trafficking in women and prostitution are closely related, hence the need for a joint solution. During the past few years, Viet Nam has introduced integrated solutions on the basis of coordinated activities between all branches, all administration levels and organizations, with the leading role played by the Government.

Legislative measures

122. The Constitution and laws of Viet Nam prohibit all acts that discriminate against women and violate women's dignity. Article 71 of the 1992 Constitution stipulates that the citizen shall enjoy inviolability of the person and the protection of the law with regard to his/her life, health, honour and dignity and that all forms of coercion, corporal punishment and violation of the citizen's honour and dignity are strictly forbidden. Although Viet Nam has no separate codes on trafficking in women and prostitution, the two problems have been dealt with in various legal documents, especially the Penal Code.

123. The Penal Code was approved by the National Assembly in 1985 and amended and supplemented in 1989, 1991, 1992 and 1997. Article 115 of the Code stipulates that those involved in trafficking of women and children can be sentenced to between two and seven years of imprisonment. The Code also stipulates punishments of between 5 and 20 years of imprisonment for organizing human trafficking, trafficking in women to another country and/or seriously repeated offences. The Code specifies a number of offences directly relating to trafficking in women, e.g. organizing or forcing other people to illegally depart to or stay in another country (article 88); the illegal exit or entry or illegal stay in another country (article 89); the offences of rape (article 112), forcible sexual intercourse (article 113), sexual intercourse with persons under 16 years of age (article 114) and buying sex from minors, sexual harassment against children and, especially, harbouring or procuring prostitution (article 202).

124. Following passage of the Penal Code, a series of important documents were promulgated, including government resolution 05/CP of 29 January 1993 on preventing and fighting prostitution, government decree 87/CP of 1995 on intensifying control of cultural activities and services and eradicating several serious social evils (including prostitution), government decree 53/CP of 1994 stipulating penalties for cadres, public workers and other people committing acts relating to prostitution, drug abuse, gambling and drunkenness. There is also government decree 88/CP of 1995 on administrative fines in cultural activities, cultural services and the prevention and fight of social evils, and many documents of the Supreme People's Court, the Ministry of Culture and Information and the Ministry of Public Security.

125. The legal documents and regulations testify to Viet Nam's unyielding resolution to fight the trading of women and prostitution. These documents also show the superiority and humanitarianism of the State and society in protecting the dignity, rights and interests of women and children, concurrently safeguarding the health of the Vietnamese social environment.

Mechanisms and organization

126. The Government has taken the initiative to build an appropriate mechanism to control and curb the trading in women and children, and prostitution.

127. Under the Prime Minister's decision 08/TTg of 1994, a steering committee for the prevention and fight against social evils, including prostitution, was set up at the central level with the participation of representatives from various ministries, branches and organizations, including the Viet Nam Women's Union. In that spirit, steering committees for the prevention and fight against prostitution were also set up at all administrative levels and in all localities. The steering committees are assisted by the Department for Social Evils Control under the Ministry of Labour, War Invalids and Social Affairs. The department was established under government decree 01/CP of 1994. The Government also approved an inter-branch programme on prostitution prevention and eradication in 1993 and allocated funds to the operation of the programme.

128. On 17 September 1997, the Prime Minister issued instruction 766/TTg, assigning responsibilities to seven ministries and branches under the control of the Central Government and to the chairmen of the People's Committees in all provinces and cities to take measures to stop the illegal transfer of women and children to other countries. Most recently, the Prime Minister signed decision 138/1998/QD/TTg of 31 July 1998, approving a national programme on crime prevention and eradication, which includes targets for and details of the official fight against trafficking in women and children.

129. In addition, mass organizations, especially the Viet Nam Women's Union and the Youth Union, have built their own programmes of action to prevent and fight prostitution and trafficking in women.

Socio-economic measures

130. Poverty is one of the important causes that victimizes women into social vice. The Government has determined that both hunger eradication and poverty alleviation provide a momentum for economic development and an effective measure to ensure social equality and security. It is also a positive way to curb and eradicate trafficking in women and prostitution.

131. In 1990, the Government launched a movement to eliminate hunger and reduce poverty, approving a national programme on hunger eradication and poverty alleviation and a national employment programme, and assigned the Ministry of Labour, War Invalids and Social Affairs to manage the implementation of those programmes. In 1996, the Government established a Bank for the Poor to provide loans to poor farmers to develop production. Many women have benefited from the programmes. In addition, job training systems run by many branches, organizations and localities have also helped poor women in both rural and urban areas find employment.

132. In addition to the State's programmes, mass organizations have played an important role in hunger eradication and poverty alleviation, especially among women farmers. The network of chapters of the Viet Nam Women's Union, especially in border areas, have great experience in supporting groups of women who are at high risk of becoming victims of social vices. From 1989 to 1997, under the "Women help each other develop a household economy" drive, about 2 million poor women benefited from the Union's credit activities. The activities played an important part in curbing traffic in women and prostitution, as well as in helping victims reintegrate into the community and their families.

Administrative measures

133. Following the Party and State policy on fighting trafficking of women and prostitution during recent years, the administration and the police at the central and local levels have intensified the inspection of entertainment establishments and businesses. Increased administrative penalties have also been levied on violations. Administrative fines are set in accordance with government decree 49, promulgated on 15 August 1996, on administrative fines on violations of security and social order. Article 23 of the decree specifies that acts relating to prostitution, sexual harassment or sexual exploitation for profit are subject to administrative fines up to 50 million Vietnamese dong.

134. Political and social organizations have also taken measures to enhance their supervision of law-execution bodies in investigating, prosecuting and trying traffickers in women, and also assisting in the early discovery and prevention of traffickers' plans.

Legislative measures

135. Parallel with socio-economic measures, legislative steps have been taken to fight prostitution and trafficking in women. All cases that meet prosecution requirements are tried in accordance with the law. From 1994 to 1997, 7,400 brothels were discovered nationwide and 6,300 pimps were arrested. People's Courts at all levels tried 2,645 cases relating to prostitution against 3,700 defendants, and 3,000 were sentenced to imprisonment. From 1991 to 1997, the police discovered 779 cases relating to trafficking in women, and arrested 1,313 criminals. The courts delivered strong punishments to organizations and individuals involved in trading in women and harbouring prostitution, sentencing more than 80 per cent of the accused to imprisonment, of which 8 per cent were sentenced to between 10 and 20 years in prison.

136. However, owing to the nature of the vice, frequent changes in the organization of trafficking in women and their exploitation for prostitution, and the influence of external factors, the investigation, detection and abolition of the vice faced great difficulties.

Measures to strengthen control of household registration at the grass-roots level and entry-exit activities at border gates

137. Important measures are in place to help curb and discover activities relating to the trading in women and prostitution. The border guard force and the police who supervise household registration play a major role in border, population and migration control to actively prevent the trading in women. The General Department of Tourism coordinates with the Ministry of Public Security and local authorities to closely manage tourist and entry-exit procedures to prevent traffickers of women from abusing these services.

Information, education and research

138. The mass media make effective contributions to promoting public awareness of trafficking in women and prostitution and the fighting spirit, especially of women, against these vices. The mass media have been quick to disseminate information on the policies of the Party, the Government and social organizations. In recent years, local and nationwide broadcasts have helped to enhance people's awareness and shape strong public opinion against the vices. However, as the level of knowledge of a section of the population remains low and material life is poor, not all people, especially the highly vulnerable groups, have access to the mass media. This is a great challenge to information dissemination attempts, both in the content and methods to approach people in need of information.

139. Viet Nam has not made an official review of the trafficking in women and prostitution as the country lacks the necessary facilities to conduct surveys on a national scale. Nevertheless, a number of ministries, branches and localities, including the Department for Social Evils Control of the Ministry of Labour, War Invalids and Social Affairs, the Ministry of Public Security, the Viet Nam Women's Union, and the Ho Chi Minh Communist Youth Union have made efforts to conduct their own surveys, and collect statistics and have made public a number of their findings. Seminars have been organized to discuss the situation and find solutions to prevent and fight trafficking in women and prostitution, most noteworthy being the coordinated activities of the Viet Nam Women's Union and the International Organization for Migration (IOM) towards a project to expand the propaganda drive in 10 provinces on preventing and fighting trafficking in women.

Helping rehabilitated women reintegrate

140. The authorities of all localities have set up rehabilitation and drug detoxification centres to give medical treatment to victims of social evils and help them reform.

141. Political and social organizations, especially the Viet Nam Women's Union, at the central to local levels, particularly those in border provinces and cities, have launched practical activities to help victims reintegrate into the community, providing consultation and services in health care, education and job-training, as well as capital and technical support, so that they can dispel any sense of inferiority and rapidly integrate into the community and lead an honest life.

142. To date, the State has provided education and medical treatment to 22,941 prostitutes, provided job training and found jobs for 11,656 of them (50 per cent).

Suggestions

143. Dealing with trafficking in women and prostitution in Viet Nam in recent years showed remarkable progress in awareness and action at all levels of the administration and society. Many positive measures have been taken. However, the situation is still serious in many places. The situation demands re-examination of the shortcomings in awareness, theory and solutions. In order to improve the efficiency of the fight against trafficking in women and exploitation for prostitution, attention should be focused on research into and finding a solution to the following issues:

(a) Reaching agreement on the concepts, definitions, situation assessment and solutions regarding trafficking in women and prostitution by administrative bodies, governmental agencies, non-governmental organizations, society and individuals;

(b) Forging close coordination for anti-prostitution and trafficking activities among the Ministries of Public Security, Culture and Information, Justice and Foreign Affairs, as well as courts and local administrations;

(c) Enhancing the role of socio-political organizations in disseminating information, mobilizing the public, discovering and preventing prohibited activities, providing consultation for and facilitating the reintegration of victims into the community;

(d) Raising the awareness of women and the community about women's rights and the law in general, especially deception by traffickers aimed at women and girls;

(e) Focusing on reducing unemployment, poverty and hunger, which increase vulnerability to social evils in key areas;

(f) Enhancing the laws by continuing to adjust and supplement the laws to deal with all kinds of offences, raising the penalty levels to enhance education, deterrence and punishment of criminals.

144. Measures aimed at eradicating trafficking in women and prostitution must also deal with the root cause of these vices, especially existing problems in the implementation process. The whole society should be encouraged to participate more in carrying out this task. Coordination among nations in the region and worldwide should be strengthened, and the role and participation of United Nations agencies should be enhanced in order to deal with trafficking in women and their exploitation for prostitution.

G. Article 7

Viet Nam's viewpoint and policies with respect to women in political and public life

145. In Viet Nam, women have equal rights with men and play an important role in political life and the community. The victorious August Revolution leading to the foundation of the Democratic Republic of Viet Nam (now the Socialist Republic of Viet Nam) brought women to the master position in society with equal rights to men in all respects. A woman's right to equality in political life and society was affirmed by Viet Nam's 1946 Constitution as well as the 1992 Constitution (article 50). On the role of women, President Ho Chi Minh once said: "Women are half of society. If women are not liberated, then half of humankind is not liberated."

146. Fully aware of the important role of women, the Party and State of Viet Nam have encouraged women's full potential in the country's political life. Resolution 04 issued on 12 July 1993 by the Political Bureau of the Party Central Committee on renewing and strengthening mobilization work vis-à-vis women in the new situation states that women's liberation is an important goal and content of the renovation cause, and set the strategic task of building a contingent of women cadres, creating conditions for women to strive and mature, and increasing the number of women in leading ranks of the Party, the State, and management of the economy, culture and society, overcoming the lack of respect for women, discrimination and narrow-mindedness in assessing and promoting female officials. Many legal documents of the State have put in concrete terms the equal rights of men and women and strictly ban any discrimination against women in political and public activities. Socio-economic activities are attracting greater participation from women and an increasing number of women are taking up positions in the Government and other organizations.

Women's right to vote and stand for election

147. Viet Nam's Constitution and laws stipulate that women have equal rights with men to vote and run for election. Article 2 of the 1992 Constitution and 1997 laws on the election of National Assembly deputies and the 1989 and 1994 laws on the election of members of People's Councils stipulate that Vietnamese citizens above 18 years of age, without discrimination with respect to race, sex, social status, religion, education, occupation and residency period, are entitled to vote, and citizens above 21 years of age have the right to stand for election to the National Assembly and People's Councils in accordance with of the law.

148. At elections for the National Assembly and People's Councils at all levels, favourable conditions have been created for women to participate in voting and running for election on an equal footing with men. The rate of women voting in the 1997 National Assembly

election was 99.90 per cent. During elections, all levels of the government and mass organizations have applied flexible methods to ensure the full participation of poor women, women in remote areas, women from ethnic minority groups and disabled and illiterate women. Due consideration has been given to the participation in elections by women: the electoral laws have recognized that women constitute one of the four target groups whose participation in voting and standing for election must be ensured. A series of activities have been carried out to support female candidates during elections; particularly, chapters of the Viet Nam Women's Union at all levels have taken charge of the nomination of female candidates and undertaken campaign activities in support of female candidates, as well as providing training and organizing meetings with voters for female candidates. The role of Vietnamese women in political life and society has been increased. The ratio of females among National Assembly deputies rose from 17 per cent in the eighth session (1987-1992) to 18.48 per cent in the ninth session (1992-1997) and an encouraging 26.22 per cent in the 10th session (1997-2002), with 118 female deputies among the National Assembly's total 450 deputies. According to International Parliamentarians' Union statistics, Viet Nam now ranks ninth of the 135 member States of this organization and second in the Asia-Pacific region in terms of the rate of female deputies in the National Assembly.

149. The term for National Assembly deputies is five years for both female and male deputies. Since joining the National Assembly, women have taken a real part in the country's political life at the highest positions of State power, directly participating in creating legal documents, including those relating to the protection of women's rights and interests.

150. It is noteworthy that the qualifications of female parliamentarians have clearly improved. In the seventh session of the National Assembly, only 11.1 per cent of the female deputies had university or higher education degrees. The rate increased to 48.9 per cent in the eighth session, 58.9 per cent in the ninth session, and 87.28 per cent in the tenth session. Female parliamentarians are capable and represent various domains of activity in mass organizations. In the current tenth session, all 61 cities and provinces under the central Government have female representation in the National Assembly. The rate of female members in People's Councils at all levels also saw an increase: at the provincial level, the rate increased from 12.1 per cent in the 1989-1994 session to 20.4 per cent in the 1994-1999 session; and at the district level, from 12.2 per cent in the 1989-1994 session to 18.4 per cent in the 1994-1999 session. At the grass-roots level, the rate dropped from 16.5 per cent in the 1989-1994 session to 14.1 per cent in the 1994-1999 session.

151. It can be said that the right to equality between men and women in voting and standing for election has been strictly observed in Viet Nam. Thanks to this, Vietnamese women have participated in the making of law and development strategies for the country. However, the rate of women in the National Assembly and People's Councils at all levels has not matched the women's potential and true capability.

Women's right to participate in the Administration of the State and the Management of Society and the Economy

152. Article 53 of the 1992 Constitution stipulates that a citizen has the right to participate in the administration of the State and management of society, the discussion of problems of the country and the region; he/she can send petitions to State organs and vote in referendums organized by the State. In all documents on the organization and personnel of State administrative organs and management agencies of society and the economy, there are no provisions whatsoever that prevent, limit or discriminate against the admittance or promotion of women to all working positions.

153. The above-mentioned resolution 04 of the Party Central Committee's Political Bureau also affirmed: "Vietnamese women with such great potential are an important force in the renovation and socio-economic development cause." The Party Central Committee also issued Instruction 37 in 1994 on women's work, which said: "The increase of the number of female cadres involved in the administration of the State and the management of society and the economy is an important requirement to truly exercise women's right to equality and a condition to bring into full play women's talents and intellect and enhance their social position." These policies have been institutionalized into government policy, especially decision 163, issued in 1988 by the Council of Ministers (now the Government) on the responsibility of all levels of the administration to ensure the participation of Viet Nam Women's Union chapters in State administration. Under the decision, all levels of the administration are required to discuss with Union chapters at equal levels the building of socio-economic development plans and policies that relate to women and children; to invite Union representatives to participate in the creation of such documents and in consultation boards on social welfare policies; creating favourable conditions for the Union to supervise and assess the implementation of policies relating to women and children; examining, dealing with and responding to the Union's proposals, providing funds and means for the Union's operations. In addition, People's Committees at all levels are required to hold regular working sessions with Union chapters at equal levels every three to six months. These regulations have been implemented and the administration and Union chapters are reviewing ten years of their implementation.

154. Reality shows that women have actively participated in and contributed to the making of law and policies. From 1992 to 1997, 3.6 million women contributed 1.6 million opinions to the 1986 Law on Marriage and Family, the 1995 Civil Code and the 1994 Labour Code. Besides legal documents, the State has also promulgated many policies and detailed regulations aimed at encouraging women's talents, and designed plans to train the contingent of women leaders and managers. Annex III.F of the present report contains detailed statistics regarding women's participation in management work.

155. Women's participation in leadership and management roles in State agencies at all levels and in all branches not only manifests equality between men and women in present Vietnamese society, but also ensures that women have representatives to protect their rights and interest in implementing polices at all levels and in all branches.

156. Many women are holding important positions in all levels of power bodies. At present, the Political Bureau of the Party Central Committee has one woman member, and in the National Assembly, a vice-president, a vice-chairperson and five cabinet ministers are women. In the Party Central Committee, women make up 10.58 per cent of membership. In 1997, the Party had more than 370,000 female members, or 17.3 per cent of its membership, an increase over the previous period.

157. In general, Vietnamese women have participated in leadership and management of almost all activities in the country. However, the role and position of women in leadership and management work has not been commensurate with their potential and aspirations. In some places, the percentage of women members in all levels of Party committees, administrative and elected bodies is low and tending to decrease. The small number of female cadres at the lower levels hinders their promotion to the higher levels. At present, female officials usually hold the post of second-rank, owing to the fact that Party committees and authorities at all levels and in all branches are not fully aware of the role and capacity of female cadres, hence the lack of concrete policies and measures to foster, train, use and promote female cadres. In some places, lack of respect for and trust in women cadres is still

prevalent. There is also a lack of close and regular guidance on developing the contingent of female cadres. A number of female cadres lack the ambition and spirit to move forward.

158. The Vietnamese State has set a strategic target of increasing the ratio of women in leading organs to 20 to 30 per cent in popularly elected bodies, and 15 to 30 per cent in all levels of the administration and governmental consultation agencies by the year 2000. In ministries and branches having large numbers of female employees, women must hold key leadership positions. In State-run production establishments where women account for 30 per cent or more of the labour force, the director or deputy director must be a woman.

159. In order to fulfil this target, all branches and administration levels should map out plans to develop the contingent of female cadres, take positive measures to strengthen the contingent of female cadres and leaders, including the appointment of women to organizational and personnel agencies, supplementing policies that support training and the effective use of cadres, and enhancing the knowledge of cadres in general and female cadres in particular.

Women's right to participate in political-social organizations

160. Article 69 of the 1992 Constitution allows all citizens, regardless of gender, to form associations. This is why many mass organizations and about 200 non-governmental associations have been established and are operating in Viet Nam. The Viet Nam Women's Union was set up in 1930 and now has 10.1 million members, accounting for 62.6 per cent of women above 18 years of age. The Viet Nam General Confederation of Labour has more than 40 per cent of its membership being women, with women's work boards operating at all levels. Women also make up 47 per cent of the Ho Chi Minh Communist Youth Union's membership and 31 per cent of the Viet Nam Farmers' Association membership. In addition, women participate in many organizations that play an important role in socio-political life, such as the Viet Nam Fatherland Front, the Viet Nam War Veterans' Association and the Union of Peace and Friendship Organizations. Women also hold important positions in these organizations. The post of chairman in 20 per cent of organizations at the central level and 31 per cent of organizations at the provincial level is held by women. Regarding the post of vice-chairman, the rate is 44 per cent and 49.6 per cent, respectively. The post of executive board member is held by women in 26.6 per cent of the central organizations and 45.4 per cent of the provincial organizations. In the Union of Scientific and Technical Associations, the Union of Literature and Art Associations and the Red Cross, women also make up a great part of their membership, making outstanding achievements and contributions to their operations.

H. Article 8

161. Equal rights between men and women have been truly exercised in Viet Nam's international activities. As stipulated in article 63 of the Constitution, women, like men, have the right to participate in domestic and international affairs in the domains of politics, economics, science and external relations. Other sublaw documents and government policies have institutionalized the guidance of the Party and the State. In recent years, the number of women holding positions in different branches of external relations agencies in the country has been on the rise.

162. The Ministry of Foreign Affairs — the key external relations agency in Viet Nam — has 28 per cent female staff, of whom 66 per cent are directly involved in foreign affairs with tasks involving research, making policy or forum activities. A majority of the women

have university and higher degrees and have been trained in Viet Nam or in foreign countries. At present, many women hold leading positions: 1 is assistant to the Foreign Minister, 10 are department directors, 2 are ambassadors, 10 are counsellors and 13 are section chiefs. The presidency of the Ministry's trade union organization has been held by a woman for many terms. Many women are experts on the situation of other countries, international laws, international economics and organizations.

163. Through facilitation by the Party and the State, Vietnamese women joined the country's external relations activities as early as 1954. Especially in the 1960s and 1970s, the role of Vietnamese women in the country's foreign service was strong. This was confirmed at the Paris Conference on Viet Nam. Many women have become able diplomats, with typical examples being Vice-President Nguyen Thi Binh, who was Minister for Foreign Affairs and head of the delegation of the Provisional Revolutionary Government of the Republic of South Viet Nam to the Paris Conference; Ambassador to the United Nations Nguyen Ngoc Dung, who is a member of the Committee on the Elimination of Discrimination against Women (1987-1989); and the current official Spokesperson of the Foreign Ministry.

164. Besides the general policies of the State, the Foreign Ministry has also promulgated its own regulations aimed at encouraging women to improve their knowledge and to enhance their role in external relation activities and enabling them to fulfil their tasks and assume important positions in the ministry.

165. The number of women working in Viet Nam's representative offices abroad is increasing and women are holding more senior positions, including the ambassadorship. Currently, 126 women work in Viet Nam's diplomatic representative offices abroad, accounting for 21 per cent of the total staff. Women also serve on the same terms as men. In addition, women have been encouraged and given favourable conditions to work for regional and international organizations.

166. In multilateral diplomatic activities, many women working for government agencies and people's friendship organizations have had opportunities to represent their country at international forums. Vietnamese women have represented the country at international conferences and seminars in the capacity of vice-president, minister, vice-minister or equal rank, department director, department deputy director or equal rank, and experts. The rate of women's participation ranged from 20 to 40 per cent, depending on the activity. Female officials in many branches (including trade, planning and investment, finance and justice) actively and effectively participate in the preparation of documents and negotiation for Viet Nam's movement to join regional and international organizations such as the Association of Southeast Asian Nations (ASEAN), Asia-Pacific Economic Cooperation and the World Trade Organization. Women have also initiated and undertaken a number of international cooperation projects in natural science, technology, social science and humanities, bringing about practical socio-economic results and heightening the prestige and position of Vietnamese women in international relations.

167. Viet Nam's integration into the region and the world has seen a remarkable increase in diplomatic activities by women, both in quantity and quality, with the key role being played by the Viet Nam Women's Union. The Union is a member of the ASEAN Confederation of Women's Organizations, the Women's International Democratic Federation, the Women's International Confederation for Peace and Freedom and many other regional and international organizations. Besides information exchange, visits and other joint activities, the Viet Nam Women's Union has taken the initiative to organize and host a number of activities aimed at sharing its experience and strength, especially relating to women in politics and hunger eradication and poverty alleviation. Vietnamese women have

been honoured to have Hoang Thi Mai of the H'Mong ethnic minority group awarded a prize for hunger eradication and poverty alleviation on 17 October 1997 by the Secretary-General of the United Nations.

168. Due attention should be paid to the training of women cadres for Vietnamese women to participate more effectively in international activities. Training in professional and managerial knowledge for women officials should be conducted on a regular basis to increase the rate of women holding leadership and managerial positions, comparable to their capability.

I. Article 9

169. The Vietnamese Constitution and provisions of the nationality law ensure the equal rights of women and men on the issue of nationality, mirroring the spirit of the Convention and putting in concrete terms the equal rights of men and women to acquire, change or retain Vietnamese nationality and the nationality of their children.

Equal rights of men and women to acquire, change or retain their nationality

170. In the environment of renewing and expanding international exchange, the Nationality Law passed in 1988 is Viet Nam's first nationality law which gives women fully equal rights with men in acquiring, changing or retaining their nationality.

171. Article 4 of the 1988 Nationality Law provides that marriage, divorce, annulment of an unlawful marriage or change of nationality by either the husband or wife do not affect the nationality of the other partner. This provision ensures women the right to decide whether to give up or to acquire Vietnamese nationality or foreign nationalities in accordance with their wish, and ensures that women do not become stateless.

172. The 1988 Law on Vietnamese Nationality does not contain any discrimination against men or women in acquiring (article 7), giving up (article 9) or restoring Vietnamese nationality (article 14).

173. The implementation of the Law in the past 10 years helped resolve issues relating to nationality of citizens, including women. More than 14,000 people have been allowed to relinquish Vietnamese nationality. The State has also received and ruled on about 1,000 applications to acquire Vietnamese nationality. Women holding Vietnamese nationality and recognized as Vietnamese citizens by the State enjoy on an equal and effective footing all citizen's rights as provided for by the Constitution and legal documents, regardless of their marital status. Women are granted identity cards and passports for travelling abroad without the need to obtain approval from their husbands or custodians.

174. In May 1998, the National Assembly passed a new Law on Nationality to take effect on 1 January 1999, replacing the 1988 Law. In addition to retaining the previous Law's provisions on equal rights between men and women in acquiring, changing or retaining their nationality (articles 9, 10, 20, 21, 24, 25 and 26), the new Law is progressive in that, in article 1, it ensures the right to have a nationality regardless of gender and the equal right of all ethnic groups to Vietnamese nationality.

Equal rights of women with respect to the nationality of their children

175. Under decree 53/SL of 20 October 1945 (effective until 15 July 1988), only children having a father of Vietnamese nationality were automatically granted Vietnamese nationality at birth. Children of mothers of Vietnamese nationality were only granted Vietnamese

nationality at birth if the father was unknown or stateless. The 1988 Law on Vietnamese Nationality amended this provision, giving women full equality with men in determining the nationality of their children.

176. According to article 6 of the 1988 Law, the nationality of a child born to a mixed marriage between a Vietnamese citizen, either male or female, and an alien would be determined by the child's parents. Women also had the right to take part in decision-making regarding the nationality of their children when there was a change of nationality by either the father or the mother of the children (article 12, clause 2) and the right to apply to acquire or give up Vietnamese nationality for their adopted child(ren) (article 14, clauses 2, 3).

177. The 1998 Law on Nationality maintains the 1988 law's principle of equality between men and women in dealing with the aforementioned issues (articles 16, 17, 28 and 29). However, with respect to the determination of a child's Vietnamese nationality at birth, article 17 of the 1998 Law stipulates that in cases where a child has a mother of Vietnamese citizenship and an unknown father, the child will acquire Vietnamese nationality. This provision has applied the principle of determining a child's nationality in accordance with nationality of the mother. Compared with the previous decree 53/SL, this provision and the aforementioned provision on determining the nationality of a child born to a mixed marriage, shows qualitative progress in ensuring equality between men and women with respect to nationality.

178. To sum up, Viet Nam's laws contain no discrimination against women in implementing equal rights on nationality. Viet Nam's laws pay special attention to protecting women's rights and interests in cases where there is a change in nationality of the husband who is an alien. Viet Nam's laws also give equal rights to women in participating in decision-making on a number of issues relating to the nationality of their children. The 1998 Law on Nationality will better ensure that women and children enjoy rights relating to nationality and create more favourable conditions for women to exercise their rights and duties as citizens.

J. Article 10

179. Under the principle that education and training is the first priority of the country, the State has defined the goal of education as formulating and fostering characters, qualifications and capabilities of the citizen, without discriminating between men and women. Both the 1946 and the 1992 Constitutions affirm that learning is the right and obligation of the citizen (article 59). It means the State not only recognizes the citizens' right to learn, but also considers it the citizen's responsibility, regardless of their sex, to acquire the necessary character, qualifications, capabilities and knowledge to serve national construction and defence (article 35). The 1991 Law on the Care, Protection and Education of Children, the 1991 Law on the Universalization of Primary Education, resolution 04 of 14 January 1993 of the fourth plenum of the Party Central Committee, the seventh tenure, on renewing the cause of education and training and resolution 02 of 24 December 1996 of the second plenary meeting of the Party Central Committee, the eighth tenure, on orientation for education and training development strategies in the period of industrialization and modernization continue to reiterate and refine the above-mentioned policies.

180. At present, the State is compiling an education law, continuing to reaffirm the priority given to education, uphold the socialist nature of education and institutionalize education and training with the aim of ensuring the right of all citizens, including women, to education.

Education and training for both men and women

181. Since 1986, Viet Nam's education and training programmes have experienced different stages of development. Prior to 1992, owing to economic difficulties, the pre-school educational system in many areas had collapsed, primary education had deteriorated, leading to huge school drop-out rates, and the quality of university and higher education had also deteriorated. Since 1992, in line with economic growth, education and training have made a rapid recovery and have developed in many respects. The structure of education and training has been altered, educational and training modes have been diversified and informal training has been developed. The network of primary schools has been expanded to the communal level, while the network of job training and professional training schools has reached the district level. University and post-graduate education is developing vigorously. Many provinces and districts in remote and mountainous areas have boarding schools for children from ethnic minority groups and low-income families. Educational quality has been improved, especially in the mode and form of training. This progress has opened up new opportunities, meeting the educational needs of all people in all age brackets, including women and girls.

182. In the 1996/97 school year, pre-school education expanded 1.3 times over 1990/91, primary education grew 1.25 times, professional training 1.22 times and university education expanded 2.7 times. More than 60,000 children from different ethnic groups studied in all grades at 277 boarding schools. The drop-out rate decreased from between 12 and 25 per cent to between 5.9 and 7.4 per cent at all grades. The graduation rate of pupils from schools also increased from 15 to 27 per cent. Investment by the State, society and families in education has also seen a remarkable rise. The material basis of the entire educational network has seen improvement and modernization. Society and parents now pay more attention to children's education. An education movement has been formed among State employees and workers. In addition to the universalization of computer skills and foreign languages in schools, knowledge of economic management, law and finance has become more widespread through more flexible and diversified training programmes both in and out of school.

Equality in education, training and job training

183. Article 59 of the 1992 Constitution states that the citizen has the right to education and job training in many forms and that primary education is compulsory and free. Since 1991, the State has stipulated that primary education from the first to the fifty grades is compulsory for all children from six to 14 years of age. Female and male pupils have equal rights in education. The policy has been implemented properly at all levels of education in Viet Nam, pre-school, primary, secondary, professional job training, university and post-university without any discrimination with respect to gender. This fact is proven by the following statistics of the percentage of female students, especially at university levels:

School year	*Pre-school*	*Primary school*	*Junior secondary school*	*Senior secondary school*	*Professional high school*	*University*
1986/87	52.70	47.30	51.90	46.70	-	24.90
1990/91	52.70	47.20	49.90	47.20	-	39.10
1994/95	52.70	49.51	49.11	44.75	53.57	43.89
1997/98	50.00	47.73	47.02	46.50	44.68	44.30

184. The network of primary schools has now reached the communes. In remote or mountainous areas, integrated classes have been opened in villages to enable children to attend. There are many special classes for poor, underprivileged or disabled children. However, the rate of children of school age attending school in rural areas, especially in mountainous, isolated areas, is low. The rate of girls attending school is about 4 to 6 per cent less than the ratio of men and women in the entire population. In boarding schools for children of ethnic minority groups, girls make up only about 31 per cent of the pupils. The major causes for this situation are economic difficulties (families cannot afford further education for their children), the misguided belief that women do not need to have a high educational level and parents' tendency to favour sons over daughters. Nevertheless, girls usually gain better results than boys at primary and secondary schools; the rate of girls winning prizes in national contests in the fifth to ninth grades is higher than that of boys. To raise the rate of children attending school, the Ministry of Education and Training has launched an "All-people-send-children-to-school day" on 5 September each year and has instructed local education services to seek measures to balance the girl-boy rate of enrolment at each educational level.

Percentage of boys and girls attending school, 1995

Educational level	*Boys*	*Girls*
Primary	84.9	84.9
Junior secondary	70.0	60.0
Senior secondary	27.2	19.3

185. The number of female college students has increased remarkably, with teacher-training schools having between 64 and 70 per cent of their enrolment being female. After 10 years, the ratio of college students in the population has increased by five times to reach 100 students per 10,000 people.

Percentage of female university graduates, 1997

Medical training	*Technical training*	*Law*	*Sciences*	*Agriculture*	*Economics*
48.4	9.1	48.5	45.8	23.3	35.0

186. After completing primary and secondary education, girls and boys are free to choose to work or to continue their studies. In recent years, the State has applied a policy to increase guidance for job selection in schools to help pupils choose their future occupation. Reality shows that girls are usually more conscious of this issue and tend to choose occupations considered suitable to their gender, such as teaching, health care, pharmacy, foreign languages and law. Women can enrol in any training branch and school in the educational and training system, including those traditionally believed to be suitable for men, such as construction, transportation or machinery manufacture; however the number of women registering to study in these fields is not high. Women usually choose fields suited to their strengths and capabilities and enrol in schools with "easy" examinations on the advice of their families and friends.

Equality in educational conditions

187. Article 36 of the 1992 Constitution stipulates that the State undertakes the overall management of the national system of education with regard to the objectives, contents, plans, the standards required of teachers, the regulations governing examinations and the system of diplomas and certificates. Thus there are no separate schools for male and female students. From pre-school to the university and post-university levels, male and female students attend class together. However, there are differences in the ratio of male and female students depending on the field of training — at pre-school and primary teacher-training colleges, the female enrolment rate is very high.

188. In schools, male and female students attend the same class, study the same curriculum, attend the same examinations and tests with the same content, use the same learning facilities and equipment, and are taught by teachers of the same standards of qualification. In reality, there has not been real equality in educational benefits between rural and urban areas owing to uneven levels of economic development among regions. Mountainous, remote and isolated areas lack teachers. Teachers in these areas also lack appropriate conditions to improve their knowledge. Teaching and learning equipment, such as textbooks and teaching supplies, are often insufficient, and schools and classrooms are not strongly built. Families in these areas do not pay sufficient attention to their children's education owing to economic difficulties.

Eradication of stereotyped concepts of the role of men and women in all levels and forms of education

189. The Ministry of Education and Training has reformed the curriculum from the pre-school to the university levels to meet the requirement of socio-economic development in general and people's need for education in particular. In the past 10 years, the Ministry has gradually revised all textbooks, renewing the content and curriculum of each level. The revised textbooks attach importance to educating students in citizenship values and enhancing their awareness of social equality and justice. The textbooks contain no content or images of gender discrimination. The teaching methods at all school levels have also been revised to improve the quality and efficiency of training. Priority has been given to distance education and in-service training to help women study while continuing to work and care for their families. Education on gender, sex and demography has been included in the curricula at all educational levels on a trial basis. Attention has been paid to maintaining and developing a contingent of female teachers. The education-training sector currently has 742,734 teachers, of whom 565,251 are women, accounting for 76.1 per cent (for more reference, see annex III, sect. E.3).

190. The development of a contingent of women teachers is manifested in the increasing rate of women among the total number of teachers, as shown below (in percentages).

	University and college	*Professional high school*	*Job training school*	*Senior secondary school*	*Junior secondary school*	*Primary school*
1986	29.00	42.50	20.90	45.49	68.24	71.71
1997	36.20	44.65	25.70	50.83	68.59	77.41

191. Currently in the leadership and managerial ranks of the education and training sector, women account for 14.8 per cent of departmental directors, 5.5 per cent of university rectors and 9.8 per cent of education services directors. Reality has proved the quality and working capability of the female managerial staff. However, the number of women holding

managerial posts is few compared with the number of female staff in the sector. In order to promote women's work, the Ministry of Education and Training has set up a system of boards for the advancement of women from the Ministry to provincial educational services and universities. The Ministry also issued directive 15 on 19 September 1994, on renewing and promoting women's movements. The sector's trade union organization has launched a drive among its women members with the theme of "Being a good teacher at school and a good wife at home".

Equality in benefiting from scholarships and other study grants

192. Female and male students are equal in benefiting from scholarships and social grants. There is no difference in the amount of scholarship grants. Meanwhile, female students with good academic results are often given priority over male students. Male and female college students are granted full or partial scholarships depending on their academic results. School children, regardless of gender, who meet required criteria are admitted to higher educational levels and to university without having to take examinations.

Eradication of illiteracy and continuing education

193. The National Committee for the Eradication of Illiteracy was set up in 1989. In 1990, the country had about 2.1 million children aged between 6 and 14 years not attending school and 1.4 million illiterate people in the 15 to 35 year age bracket. Every year about 250,000 people attend illiteracy eradication classes and over 100,000 people attend post-illiteracy classes (equivalent to third grade). To date, nearly 69 per cent of provinces and cities under the central Government, 67.6 per cent of districts and 82.9 per cent of communes were recognized as having met the national standards on illiteracy eradication and primary education universalization.

194. The State and the educational and training sector are undertaking many active measures to realize the goal of having all cities and provinces in the country meet national standards of illiteracy eradication and primary education universalization by 2000. The illiteracy eradication drive has received a warm response from political-social organizations, including the Viet Nam Women's Union. The Ministry of Education and Training and the Viet Nam Women's Union have forged a joint programme to eradicate illiteracy among women. Although women are given equal opportunities with men to overcome illiteracy, they meet with more difficulties, thus two thirds of people currently illiterate are women. Women in rural areas account for 88.7 per cent of the total number of illiterate women. At present, the Ministry of Education and Training is carrying out on a trial basis an illiteracy eradication programme aimed at women only.

195. The number of people attending supplementary education courses increased from 50,000 in 1989 to 227,510 in 1997; of the latter number nearly 60 per cent were elderly working people and public employees. In the past 10 years, the number of people attending in-office training courses increased from 30,000 to 240,000 a year.

196. The system of continuing education in 355 provincial and district centres attracts more than 1 million students. Women are given favourable conditions to gain equal access to education, and a number of localities and units grant financial support to women to study.

Female student drop-out rate

197. The drop-out rate of female students has been reduced remarkably in the past 10 years. Females account for about 70 per cent of the number of student drop-outs in rural areas. The State and localities have taken many measures to overcome the situation, including

organizing flexible classes for children who have to leave school early. The socialization of education is promoted through the activities of local education councils and parents' associations.

198. In spite of efforts by the State and society, the rate of female student drop-outs who return to school is low. The main obstacle is that economic difficulties and unfavourable family conditions prevent women from returning to school or receiving job training.

Equal opportunities for men and women to participate in sports and physical education

199. Sports and physical training is a compulsory subject for both male and female students in Viet Nam's schools from pre-school to university levels with the aim of improving their health. Specialized sports and physical training schools select and train students with ability regardless of gender. Men and women are given equal conditions and opportunities to participate in sports and physical training and in local, national and international competitions. Many women and female teams have made glorious achievements in both national and international competitions in chess, wrestling, women's soccer, track and field. In urban and industrial areas, in particular, the physical training movement of elderly people has attracted the participation of many married and elderly women. In rural and mountainous areas, women and girls have fewer chances to take part in sports and physical training activities.

Women's access to specific educational information to help ensure the health and well-being of families

200. Educational information, especially educational information relating to major policies such as health care, protection of the family happiness, population and family planning, breastfeeding, prevention of HIV/AIDS and drug abuse, is disseminated under the State's instruction by the mass media and all levels of the Government to reach each locality and all people regardless of gender. Women have access to such information through radio and television programmes, newspapers and magazines exclusively for women. The Viet Nam Women's Union, Women's Work Committees under the Viet Nam General Confederation of Labour, the Ho Chi Minh Communist Youth Union and the Farmers' Association all have information and educational programmes targeting their membership.

201. In short, Viet Nam has an appropriate policy on the education and training of women, manifesting the superiority of the socialist regime. However, there still exists a gap between men and women in this sector. In order to ensure full equality for women and girls in education in reality, more specific policies for recruiting and training assistance are needed, and training methods and models for women in rural areas, especially mountainous areas, should continue to be improved. Incorporation of gender education in the curriculum of all levels of education should be implemented, and women's work in the educational and training sector should be promoted.

K. Article 11

202. The State employment policy ensures that women enjoy equality with men in the right to work, in employment opportunities, free choice of profession and all accompanied social benefits. This has been clearly manifested in the Party and Government's legal documents and policies, which have been reviewed and adjusted in accordance with each development period of the country.

203. Starting from the principle of equality between men and women in all fields, the 1992 Constitution affirms that the citizen has both the right and the duty to work (article 55). The State shall promulgate regulations on labour safety and social insurance for State employees and wage-earners, and encourage and promote other forms of social insurance for the working people (article 56), and "Women and men workers shall be entitled to equal remuneration when doing work of equal value. Women workers shall enjoy a regime related to maternity. Women who are State employees and wage earners shall enjoy paid prenatal and post-natal leaves during which they shall receive all their wages and allowances as determined by law" (article 63). The Labour Code promulgated in 1994 affirms in article 5 that: "Everybody has the right to work, to freely select their occupation and trade, to attend vocational training and improve their professional qualification without discrimination with respect to sex, ethnical and social origin or religious belief."In particular, the Code in chapter 10 contains 10 provisions exclusively on female labour. The main content of the chapter is that the State ensures women's right to work on equal terms with men in all aspects, takes policies and measures to help women workers bring into full play their professional capability and combine harmoniously their work and family life. More than 10 sub-law documents have been promulgated since the promulgation of the Labour Code, to provide concrete instructions to ensure the women's right to work:

(a) **Employment for women**. Government decree 23/CP of 1996 contains concrete provisions and instructions for the implementation of a number of articles of the Labour Code on specific provisions on female labour; decree 72/CP of 1995 contains concrete provisions and guidance for the implementation of a number of articles of the Labour Code with respect to employment, including recruiting workers, benefits for loss of employment due to change in technology, setting up relief funds and provide additional job training for women workers; and resolution 120/HDBT of 11 April 1992, of the Council of Ministers (now the Government) on guidelines and solutions in the coming years;

(b) **The equal right to remuneration**. Article 7 of the 1994 Labour Code stipulates "Workers are paid as agreed with the employer but not lower than the minimum wage set by the State, and in accordance with the productivity, quality and effectiveness of their labour"; article 111 of the Code stipulates "The employer must implement the principle of gender equality in recruiting and using workers and in raising wage and paying workers"; and decree 197/CP of 31 December 1994, contains detailed provisions and guidance for the implementation of the Code with respect to wages;

(c) **The right to be trained and receive vocational training**. Article 110 of the 1994 Labour Code stipulates that State agencies are responsible for creating more forms of training favourable for female labour; clause 3, article 18 of decree 90/CP of 1995 contains detailed provisions and guidance for the implementation of a number of the Labour Code's provisions on vocational training; and paragraph III of the Ministry of Labour, War Invalids and Social Affairs circular 19/LDTBXH-TT of 12 September 1996 gives guidance on job training and retraining, supplementary and refreshed training and additional vocational training for female workers in enterprises;

(d) **The right to social insurance**. The Labour Code provides for leave in accordance with State policies, annual paid leave with social insurance benefits as provided for by the law (article 7), annual paid leave (articles 74 and 77), disability owing to working accidents and occupational diseases (articles 107, 125, 127 and 143), sick leave (article 142), post-natal benefits to women workers (article 144) and conditions to enjoy retirement benefits under the social insurance system (article 145). The rights and benefits of women workers are provided for in the Social Insurance Regulations promulgated together with government decree 12/CP of 1995; provisions on the system and period of leave for parents

to care for sick children (article 8); provisions on the level of grants for workers who are sick or who take leave to care for sick children (article 9); and provisions on maternity benefits (articles 10-14). The Minister of Labour, War Invalids and Social Affairs issued circular 06/LDTB-XH-TT of 4 April 1995 to guide the implementation of the Regulations;

(e) **The rights to protection of health and to safety in working conditions and labour hygiene**. The 1994 Labour Code has 14 articles stipulating the responsibilities of employers in ensuring labour safety and hygiene. Articles 113 and 115 stipulate that the employer is not allowed to use female workers for particular tasks listed; article 116 stipulates that at the workplace there must be bathrooms and toilets for women workers; inter-ministerial circular 09/TT-LB of 29 September 1986, and the amendments in inter-ministerial circular 03/TT-LB of 28 January 1994 of the Ministry of Labour, War Invalids and Social Affairs and the Ministry of Public Health define tasks for which employers are banned from using female labour. Article 11 of the 1988 Ordinance on Public Work Duty and article 14 of decree 56/HDBT of 30 May 1989 of the Council of Ministers (now the Government) which contain detailed provisions and guidance for the Ordinance on Public Work Duty stipulate that women during pregnancy or who foster a child under 36 months are temporarily exempted from doing their public labour duty during the annual mobilization period;

(f) **The right to have their legitimate rights and interests in labour relations protected by law**. Government decree 38/CP of 25 June 1996 stipulates administrative penalties on acts violating the labour law (articles 7, 9 and 11).

204. The reality in the past 10 years of renovation shows that Viet Nam has made many achievements in this domain.

Right of women to work on equal terms with men

205. Under Viet Nam law, women and men over 15 years of age have the right to join the labour force. Working women have the right to create jobs for themselves or choose jobs in the State, collective or private sectors. Reality shows that there is no difference whatsoever in the employment of men and women. The percentage of working women in general among the number of people holding regular jobs is increasing:

	Female employment rate	*Rural areas*	*Urban areas*
1996	49.80	51.10	49.30
1997	50.00	50.30	48.87

206. The above table shows that the number of working women is equal to the number of working men. In the past few years, women achieved remarkable progress towards more socially diversified and more active employment. The shift from a centrally planned economy to a multi-sectored economy has clearly brought about more chances of becoming employed and earning a more stable income. This fact is affirmed through the 5.5 per cent rate of unemployment among women of working age, lower than the general unemployment rate in urban areas (6.02 per cent in 1997).

207. On the organization of labour, women also have the right to a flexible work structure. Many agencies and enterprises have applied a system of part-time work days and part-time work weeks, allowing women to work at home, and achieving higher working efficiency among women workers.

Employment opportunities for women

208. In the centrally planned economy, the recruitment of female and male labour of State-run agencies and enterprises was limited by the State's employment quota. The market economy has changed the recruiting policy by utilizing labour contracts in State enterprises in accordance with article 47 of decision 217/HDBT of 14 November 1987, of the Council of Ministers, now the Government. The decision provides for the promulgation of policy to renew plan-making and accounting work in State enterprises, in which the rights and benefits of working people have been better dealt with. In particular, more advantages have been granted to working women. In reality, the new mechanism has proved its superiority and is widely accepted by the society. Regarding recruitment criteria, female workers enjoy full equality with male workers. According to the 1996 circular 16/LDTBXH-TT of the Ministry of Labour, War Invalids and Social Affairs, which guides the implementation of government decree 72/CP of 1995, female labour is one of the priorities in recruiting policy. Since 1986, economic growth, a macro-economic shift and the development of concentrated industrial and export-processing zones have brought about many employment opportunities for female labour. In 1997, women holding regular jobs accounted for nearly 50.3 per cent of the total number of people with a regular job, compared with 50.9 per cent in agriculture, 49.4 per cent in service and 48.4 per cent in industry and construction. In addition, to protect female labour, the Minister of Labour, War Invalids and Social Affairs, in circular 20 of 3 August 1995, listed a number of professions that women are banned from conducting abroad, which includes home service, dancing, singing and providing massage in restaurants, hotels and public entertainment establishments.

209. Although the State has instituted many measures to ensure employment opportunities for women, in reality the effectiveness and competitiveness of women labourers on the labour market remain low. A number of establishments and individual employers are reluctant to employ women, and women's employment is not stable. This problem requires further improvement in employment policy and other necessary policies to support female labour. To solve these problems, in 1998 the Prime Minister approved a national programme on employment objectives in the year 2000 (decision 126/1998/TTg) with the aim of ensuring employment opportunities to labourers in general and women labourers in particular who are capable of and willing to work, towards full and effective employment and free choice of employment. Currently, the Ministry of Labour, War Invalids and Social Affairs, the manager of the programme, is actively implementing this programme.

Right to retraining, advanced training and promotion

210. The low educational levels and professional skills of the labour force is the most pressing problem at a time when the State is undertaking industrialization and modernization of the country. The target of having 22 to 25 per cent of the labour force undergo training by 2000 is the means to ensure the right of both women and men to receive retraining, education and further training. The process of technology transfer, the diversification of products and the development of more occupations and trades have created more opportunities to train working people, including women. In addition, the State ensures that women have the right to free additional vocational training without having to repay training costs when changing employment because of maternity reasons. Working women with managerial and professional capabilities are given favourable conditions to improve their knowledge and are promoted to suitable management positions, especially in the State sector. However, owing to economic difficulties and the ongoing process of restructuring, the increasing need to train working women is not being met sufficiently. On the other hand,

low educational levels, family burdens and complacency also affect some women's access to training. By 1998, only 17.8 per cent of the labour force had undergone training.

Right to equal remuneration and benefits

211. Article 63 of the 1992 Constitution stipulates that women and men workers are entitled to equal remuneration when doing work of equal value. Enterprises are given the right to determine the form of wage payment in accordance with State regulations on the minimum wage, the wage scale and the payroll. The policy also clearly stipulates that women will be given priority in wage raise claims when both male and female workers meet the same requirements and have the same qualifications in the spirit of article 16 of government decree 197/CP of 1994, which contains concrete provisions and guidance for the implementation of a number of provisions of the Labour Code with respect to wage. In addition, all documents guiding the implementation of this policy contain no discrimination whatsoever regarding salary amount, allowances, supplementary payments including supplementary wages for ranking officials in State agencies, bonuses and criteria for evaluation of work. Workers representatives, Women's Work Boards and Viet Nam Women's Union chapters are included in councils that determine wage increases and bonuses. They also have the right to voice their opinions and supervise the implementation process. In reality, the policy has been performed properly and there have been no violations involving discrimination against women. At present, the Ministry of Planning and Investment plans to conduct research on unpaid labour by women to calculate labour of this kind in the State's accountancy and statistics. However, the following existing issues need to be examined and resolved: women's average income currently equals only 70 per cent of men's because women more often engage in simple jobs that require lower-level professional and technical skills; and income of working women in non-official sectors and agriculture is low and unstable.

Right to social insurance and paid leave

212. Under article 141 of the 1994 Labour Code, the State grants social insurance to workers and public employees in five situations: retirement, death, sickness, accidents and occupational diseases and maternity, with various requirements on age, the amount and period of social insurance contributions, and seniority. Prior to 1 January 1994, the State shouldered all insurance needs and working people were automatically entitled to the aforementioned insurance. Working women also enjoyed fully paid leave in cases of maternity and child care, as well as an additional allowance for diapers and milk. The system was improved after many years, meeting the demands of society, including women, and manifesting the superiority of socialism.

213. Since 1995, in accordance with the State's Social Insurance Statute, which was promulgated together with government decree 12/CP of 1995, social insurance policy was revised with respect to targets, implementation mechanisms and funding sources with the aim of gradually ending State subsidies. As a result, a Social Insurance Fund was formed, holding deposits of more than 8 billion Vietnamese dong by June 1998, and social insurance has been expanded to cover wage earners in all economic sectors. In the State sector, women make up 47 per cent of the more than 3 million public employees and workers having participated in compulsory social insurance forms. Non-State enterprises have more than 160,000 workers covered by compulsory social insurance. Working women are entitled to fully paid leave on national holidays, annual leave of from 12 to 16 days depending on the branch of activities, occupation and seniority (one extra day for every five working years). A number of establishments grant women days off work on International Women's Day (8 March) and the Viet Nam Women's Union foundation anniversary (20 October). State

regulations provide that women can retire at the age of 55, or younger depending on their health and occupation. Women are also entitled to equal retirement benefits and death allowances as men. Women are entitled to fully paid childbirth leave of 4 to 6 months depending on their working conditions. Articles 10, 11, 12 of the Social Insurance Statute and relevant guidance documents contain detailed provisions on this issue. Working men and women are entitled to equal sick allowances, and childcare leave for those with children under 7 years of age.

214. Reality shows that periodically renewed social insurance policies have gradually ensured working women's equal rights. Moreover, requirements for women to receive social insurance benefits are usually lower than that for men, and there are preferential benefits offered to women to fulfil their maternity function. However, with present difficulties in the national economy and the fact that the economy is undergoing a transitional period, it is inevitable that the social insurance system has shown many shortcomings, especially in its failure to reach other forms of labour (cooperative members, self-employed people). Under the management of the Ministry of Labour, War Invalids and Social Affairs, research is being conducted in coordination with relevant agencies to supplement and amend the Social Insurance Statute in the direction of expanding social insurance to all forms of labour, promulgating a system of unemployment allowances and better meeting the need of working women for social insurance.

Protection of the health of women, including their reproductive functions, and safe working conditions

215. In reality, the right of working women to health protection has been respected and properly implemented. Working women who become ill receive medical treatment, allowances and sick leave. In addition, washrooms are provided in workplaces for women in accordance with Labour Code stipulations. In order to protect women's health, the list of heavy and dangerous jobs for which employers are barred from using female labour has been amended three times. The latest list, according to interministry circular 03/TT-LB of 28 January 1994, of the Ministry of Labour, War Invalids and Social Affairs and the Ministry of Health, comprises two categories: 49 jobs are completely banned for female labour, and 83 jobs are banned for female workers who are pregnant or breastfeeding and adolescent female workers. In cases where immediate transfer of a female worker from the listed jobs is not possible, the female worker's working day will be reduced by at least two hours while the wage remains unchanged (article 13 of government decree 195/CP of 31 December 1994 on concrete provisions and guidance for the implementation of the Labour Code's provisions on working time and time off). The maximum weight for carriage by female workers is stipulated at 50 kilograms. There is a series of detailed regulations on ensuring safety for mothers and their babies, including regular check-ups for pregnant working women as provided for in article 115 of the 1994 Labour Code. Working women have the right to take a 30-minute rest deducted from working time each day during their menstruation period and a 60-minute rest each day deducted from working time when they are nurturing an infant less than 12 months old, while continuing to receive full wages. Article 111 of the Labour Code provides that the employer is not permitted to disguise or unilaterally end working contracts with women workers on the grounds of marriage, pregnancy, maternity leave or nurturing a child under 12 months of age. According to article 114 of the Labour Code, a female worker can recommence working at the enterprise prior to the expiration of her post-natal leave if she has taken at least two months of post-natal leave, has a written certificate by a doctor that an early return to work will not harm her health, and has notified in advance the employer, and she continues to enjoy maternity allowances in addition to earning full wages for her working days. Female workers are guaranteed of their continued employment

during their maternity leave (including additional non-paid leave due to health or childcare reasons). Establishments that employ large numbers of female workers, especially those in areas far from urban centres, have been maintaining creches and kindergartens, or have provided partial child-care fees for female workers having children of creche or kindergarten age.

216. Other entitlements under the general regulations are also given to female workers in terms of labour hygiene and safety, taking into account women's special characteristics. Functional agencies have conducted research on and introduced positive measures for prevention and treatment of diseases that are harmful to women, such as lung diseases in textile mills, skin diseases at road construction sites and chemical toxification. The cost of medical check-ups and treatment is paid for by the State and the enterprise. The health-care system in State agencies and enterprises and the proper implementation of the aforementioned regulations have contributed to protecting workers' health, especially women's. However, currently 35,000 women are working in toxic chemical environments and 70,000 women are working in dusty and noisy environments in the textile industry.

217. In agriculture, forestry and fisheries, women are required to work in unpredictable weather, using mostly rudimentary tools and having contact with chemicals and pesticides. To improve this situation, the State has devised a policy to industrialize rural areas, replacing rudimentary tools with machines. The Ministry of Agriculture and Rural Development, the Viet Nam Farmers' Association and the Farming Promotion Association have taken measures to encourage and guide farmers to use chemicals and pesticides safely, and to develop improved measures to prevent and fight diseases and pests to protect farmers' health.

Development of social services and a network of creches and kindergartens to support parents

218. Towards the goal of maximizing the rights and interests of children and realizing the 1991-2000 national action programme for children, the Government has made efforts to help parents fulfil their family and social obligations. The available services are:

(a) Free preliminary health care, medical examinations and treatment for children under the age of 6 at State health-care institutions in accordance with article 9 of the 1991 Law on the Protection, Care and Education of Children;

(b) An expanded immunization programme, which offers vaccinations to children against six fatal diseases. The programme has been implemented since 1981. In 1989, 87 per cent of children in this age bracket was vaccinated against the six diseases, and in 1996, the rate was 95.1 per cent. In 1997, four additional kinds of vaccines (against hepatitis B, encephalitis, typhoid and cholera) were added to the programme. The rate of vaccinated children was 95.4 per cent in 1997;

(c) A programme to prevent and eliminate malnutrition among children under 5 years of age, which has helped reduce the rate of malnourished children in terms of weight from 53.1 per cent in 1992 to 40.6 per cent in 1997;

(d) Service for disabled and handicapped children, with the aim of treating and helping disabled children restore their functions in order to reintegrate into the community. The service provides guidance on functional rehabilitation, financial support, treatment and equipment to families with disabled children, as well as special facilities aimed at assisting in the care and education of disabled children. At present the country has more than 50 centres for disabled children;

(e) The Committee for the Protection and Care of Children at the central to communal levels conducts activities for children, together with children's groups (such as the Little Stars Groups) and the Pioneers' Union at schools and in the community, which consult with parents on child care and education and organize collective activities for children;

(f) A network of 2,000 children's houses and entertainment centres for children is available at provincial and district levels, which better meet children's needs for play and creativity;

(g) There are 15 children's newspapers and magazines. All radio and television stations at the central and provincial levels broadcast programmes for children. Each year, nearly 1,000 books for children are published under the State's control with regard to content and form;

(h) Funds for children and funds for young talents are available at the central and local levels; scholarships are granted to poor children with good study records;

(i) Creches and kindergartens had previously enjoyed State subsidies and reached the communal level and residential quarters to meet the demand of parents with children in this age bracket. In the early 1990s, when State subsidies were abolished, the network deteriorated and it is now being restored. The Ministry of Education and Training has a policy to merge creches and kindergartens into a pre-school system, to strengthen official training of pre-school teachers and to promote the socialization of this system's development (encouraging people-funded and private schools). In Viet Nam however, as there is a tradition that grandparents assist in child care, only 30 per cent of children in the age bracket go to pre-schools. Following are the detailed statistics:

Schoolyear	*1985-86*	*1990-91*	*1994-95*	*1996-97*	*1997-98*
Creche	1 150 000	530 000	440 000	452 000	449 000
Kindergarten	1 640 000	1 490 000	1 700 000	2 092 000	2 246 000

219. Girls make up 49.8 per cent of children attending pre-schools. In the years to come, when economic conditions are improved, the pre-school system expects to attract more children from this age bracket.

220. In summary, laws on the protection of female labour have improved remarkably. The laws have been implemented by State agencies and enterprises. In addition to a contingent of 200 labour safety and hygiene inspectors, Women's Work Boards play an active role in supervising and making suggestions on women's protection policies. To better implement labour policies, it is necessary to re-evaluate policies on female labour in order to supplement and amend them to suit the new situation and develop new policies; to correct the situation in about one third of production establishments that fail to meet labour safety and hygiene conditions; to issue regulations on safety of the labour force in the household economic and agricultural sectors; and to intensify the dissemination of policies on female labour to raise the awareness of the labour force and the employers on the implementation of essential rights and obligations of female labour.

L. Article 12

221. The Government advocates investment in, development and exercise of coherent management of public health-care activities, giving all people access to heath-care services. The 1992 Constitution states that it is the responsibility of the State, society, the family and the citizen to ensure protection for mothers and children and to effectively implement the population and family planning programme (article 40), and that the citizen is entitled to health protection (article 61). Chapter 3 of the Law on People's Health Care, passed in 1989,[15] devoted entirely to family planning implementation and maternal and child health care. The chapter contains regulations on ensuring women's access to medical check-ups and treatment of gynaecological diseases and abortion (article 44), the rights to use contraceptive measures (article 43) and protecting female labourers' health (article 45). Sub-laws and regulations all reflect the State's views of equality and non-discrimination between men and women in health care and protection services.

Structure and organization of the health-care network for women

222. Previously, the health-care network was totally subsidized by the State. All people enjoyed health-care services free of charge. Since the early 1990s, the service mechanism has been adjusted towards a socialization orientation by mobilizing all economic sectors to health care. The quality of medical check-ups and treatment has improved markedly with the application of fee-paying health-care services. The creation of a health-care insurance policy, which has been expanded, has met the demand for health care of all people, including women.

223. Caring for women's health is a huge and complicated task, requiring great effort, resources and support from all branches at all levels and from the entire community. In order to successfully implement this task, the Ministry of Public Health established an operation network, from the central to the grass-roots level, consisting of the Department of Mother and Child Protection and Family Planning in accordance with government decree 68/CP of 1993 on functions, tasks, rights and obligations of the Ministry of Public Health and the centres for mother and child protection and family planning at the municipal and provincial levels (decision 1319/BMTE of 12 July 1991), and maternal and child health protection and family planning groups at the district level. According to this regulation, each health-care station at the ward and commune level must have an assistant doctor specialized in obstetrics, paediatrics or a delivery nurse. To date, 40 per cent of ward and commune health-care stations have been operating with obstetric and paediatric assistant doctors, while 50 per cent of them have delivery nurses. In addition, the State Committee on Population and Family Planning is a government-controlled agency, exercising State management function over population and family-planning activities at all levels. There are currently 48 obstetrics hospitals, departments and rooms from the central to the district level responsible for reproductive health care. The network has been gradually strengthened and upgraded in order to provide easy access for women and children.

224. The national health-care programme devised targets to protect and care for women's health at each stage of development. Its targets included preventing and fighting goitre (commonly seen in women), expanded immunization programmes (including pregnant women and women of childbearing age), carrying out disease and epidemic preventive measures and developing the pharmaceutical sector to ensure domestic medical supplies. Maternal and child health-care and family planning activities aim to increase health-care services, reduce mortality rates in mothers and children, prevent the spread of obstetrical diseases and increase family planning service provision capacity. The expansion of the grass-

roots health-care network, the increase of community medical workers and the upgrade of medical facilities and equipment have contributed to improving the quality of sanitation, epidemic and disease prevention and the timely provision of health-care services to women and children. Generally, pregnant and post-natal women enjoy free medical services, except in special cases when women chose to be examined and treated outside regulated or public establishments.

225. The health-care sector has a high proportion of female employment, accounting for 68 per cent of its total contingent of 200,000 employees. Female staff make up 70 per cent of employees working directly with patients, 58 per cent of scientific workers and 50 per cent of those working in the training sector. There are thousands of traditional medication practitioners (most of them men) using traditional medication and experience to treat diseases and midwives helping rural women in their delivery. In combination with the State-run health-care sector, practitioners and midwives have made active contributions to meeting demands, particularly by women, for health-care services, offering flexible, cheap and easy access to services.

Family planning and contraceptive services

226. With the aim of lowering natural population growth rates to improve living conditions, the Government aims to raise the quality of population and family planning activities by implementing synchronous solutions, organizing and developing appropriate policies, disseminating information and providing family planning services to community members. Family planning activities and protecting maternal and child health are considered an important factor to ensure the sustainability of the national objective programme on population and family planning. Providing information and encouraging people to use contraceptive measures and family planning services are decisive factors, with importance attached to the health and safety of the users. Population and family planning activities have become a movement drawing the participation of mass organizations, including the Viet Nam Women's Union, and the majority of people over the past few years. Family planning and population policies have had an effect on discrimination against women by encouraging men to use contraceptive measures in order to share the responsibility with women. According to a survey, 95 per cent of people of reproductive age are provided with information on contraceptive measures. Birth-control measures often used include the intrauterine device (IUD), contraceptive pills, condoms and sterilization. Women and men are provided with information and encouraged to use birth-control measures on a voluntary basis. They also have access to consultancy and assistance from medical workers and experts of public health-care establishments, offices, enterprises and meetings held jointly by local administration in collaboration with the health-care and population and family planning sectors.

227. Vietnamese law permits abortion, provided that it is carried out at those establishments licensed by the Ministry of Public Health. Women can have an abortion at any health-care centre offering the service. Abortion is kept confidential. Women are given information related to abortion so they can make their own decision and know how to better look after themselves. Condoms and contraceptive pills are distributed free of charge in highland, rural, isolated and remote areas or can be purchased at any drug store and health-care centre. Female sterilization and male vasectomy are carried out in well-equipped health-care centres on a voluntary basis. Usually, couples are provided with information on contraceptive measures to enable them to choose the measures that suit them psychologically and physically. Sterilization and vasectomy are often requested by couples with many children or those that cannot use other measures. Abortion and sterilization fees are included in the

health insurance fund for insurance buyers (health-care insurance funds have contributions by both the employee and the employer, with each paying an insurance fee equivalent to 1 per cent of his/her monthly salary). In addition, public employees who undergo abortion or sterilization are permitted to have from five to seven days off without salary deduction. Early detection pregnancy tests are widely available in the community. This helps women remove an unwanted foetus early. Pregnancy testing is commonly used for its convenience, low cost and absence of side effects.

228. One current outstanding problem in Viet Nam is the high rate of abortion. According to statistics, 1.2 million abortions were performed in 1996 and 1.1 million in 1997, with the number of young unmarried women on the rise. Owing to poor sanitation and equipment, a number of women having abortion suffered from haemorrhaging, infections and other side effects. The rate of men using contraceptive measures is still low. The situation requires the provision of necessary equipment to medical centres to improve the quality and safety of family planning measures and greater efforts to promote training and educational activities in order to raise women's awareness of family planning.

Nutrition and diet

229. Malnutrition is common among women in Viet Nam owing to traditional eating habits and sacrifices by women to reserve food for other family members. The rate of pregnant women with anaemia declined between 50 and 60 per cent a few years earlier to 35 per cent in 1996. Light-weighted newborn babies account for about 10 per cent of all births. In 1997, children under the age of 5 accounted for 40.6 per cent of malnourished children. About 98.3 per cent of infants are breastfed. The health-care sector provides information and guidance for families and pregnant women to care for themselves and take measures to prevent anaemia. Several localities provide folic acid and iron pills to women of reproductive age. Particularly, local women's unions are instrumental in promoting gardening and the raising of domestic animals so as to have more food for elderly people, children and pregnant women. According to customs in numerous localities, pregnant and post-natal women often followed a low-nutrition diet in the past. The custom has been eradicated thanks to efforts to disseminate information on nutrition and health care by mass media organizations as well as the increasing links between people living in different regions. Poor diet is currently common only in remote and isolated areas inhabited by ethnic minority groups.

Circumcision and clitoridotomy

230. Circumcision and clitoridotomy are not customs in Viet Nam. There is no documentation on the issue. Minor circumcision operations are conducted by the health services as a surgical treatment for men who have congenital deformities affecting their sexual activities. However, such cases are rare.

Prevention of sexually transmitted diseases (including HIV/AIDS)

231. In an effort to protect women's health, future generations and family happiness, the Government has in recent years carried out a programme to prevent the spread of sexually transmitted diseases (STDs), improve reproductive health and run a national programme on HIV/AIDS. A national committee for the prevention of AIDS was established in 1990 under a decision issued by the Chairman of the Council of Ministers (now the Prime Minister). A large number of women suffering from gynaecological diseases has been reported in rural areas. About 3.99 million women had their health checked, with 1.5 million of them undergoing medical treatment for gynaecological diseases. About 38 per cent of the gynaecological patients were cured. In 1997, 8,060 cases of HIV infection were detected

and by March 1998 the number had increased to 8,417, with female victims accounting for 1,246 cases, or 14.8 per cent of the total, prostitutes for 5 per cent, and STD patients for 2.4 per cent. HIV/AIDS has spread in Viet Nam, like other countries in the region, and high-risk groups include prostitutes and drug users. The Government has focused its efforts on instructing, informing and educating people about the disease, preventive measures and how to care for HIV/AIDS patients, increasing investment in these activities, strengthening the structure of relevant agencies, encouraging the people's participation and calling for more international assistance.

232. In conclusion, Vietnamese women are essentially ensured equal access to available health-care services. One of the advantages is the Government's appropriate policies on the health care of women and children and the encouragement of participation by the entire society, as well as effective information dissemination activities. However, primary disadvantages lie in the limited funding and poor technical infrastructure for the service. Only 80 per cent of women have access to health-care services owing to the country's rapid population growth. Poor sanitation conditions and the practice of outdated customs pose great challenges to the community. In order to better implement the task of protecting and caring for women and children's health, the Government should continue its efforts:

(a) To increase investment in disseminating information on health care for women and children, particularly in implementing the National Programme on Population and Family Planning in isolated, remote, rural and highland areas;

(b) To strengthen the existing health-care network, to improve the quality of medical services to meet common requirements and to build a network of hospitals for mothers and children;

(c) To devise and carry out a programme to improve reproductive health in line with the spirit of the 1994 Cairo International Conference on Population and Development and the 1995 Beijing Fourth World Conference on Women;

(d) To step up the socialization of women and children's health care and protection.

M. Article 13

233. After more than a decade of carrying out the national renovation process, the Government has linked the country's economic growth targets to the social equality objective, with more attention focused on the citizens socio-economic and cultural rights. Article 32 of the 1992 Constitution stipulates that the State shall make investments for the promotion of culture, literature and arts; facilitate the people's enjoyment of literary and artistic activities; give its patronage to creative talents in literature and arts and promote diversity in literature and arts. Article 41 states that the State exercises overall management for the development of physical culture and sports and that it shall give encouragement and assistance to various forms of physical culture and activities freely practised by the people. There is no restriction on and discrimination against women in government policies. Moreover, the Government has paid attention to and created favourable conditions for women's access and enjoyment of socio-economic and cultural welfare programmes.

Ensuring women's right to family benefits

234. In the past, family subsidies were included in the salary of State employees. State employee payments consisted of several kinds of subsidies, covering housing, child care, social welfare and relief aid and the provision of fundamentally essential commodities. With

the enactment of decree 235/HDBT of 18 September 1985 by the Council of Ministers (now the Government) on reforming salary policies for State employees and those serving in the armed forces, salary regulations were altered. Under the Decree, State salaries are commodity-based. The new salary regime operates along the line of labour distribution, eradicating subsidization and ensuring a unified regime of salary/wage throughout the country in order to gradually improve the living conditions of State employees, workers and those serving in the armed forces. The new salary regime stipulates that State employees, male or female, married or unmarried, are entitled to the same payment when working in the same conditions. The Government then issued decree 25/CP in 1993 and decree 05/CP in 1994 to replace decree 235/HDBT. With the promulgation of the Labour Code in 1995, the salary regime in principle remains unchanged. However, the Labour Code is applicable to a wider range of objectives, covering working people of different economic sectors. Irrespective of their gender, they are entitled to the same rights when participating in labour relations. In 1997, the Government promulgated decree 06/CP to further improve the salary regime.

235. Furthermore, State-run agencies and enterprises have exercised regulations on relief aid to working people and their families on a regular and/or emergency basis in case of natural disasters, accidents or unfortunate events. These regulations usually give priority to women. Local administration, businesses and trade union organizations often grant various awards to employees who obtain outstanding achievements in population and family planning activities, in fostering healthy family lifestyles and caring for their children.

Ensuring women's rights to bank loans, mortgages and other forms of financial credit

236. Based on regulations on the rights to possession, inheritance, participation in production and business activities, Vietnamese law ensures, on the basis of equality between men and women, the right to bank loans, mortgages and other forms of financial credit. There is no discrimination against women in these activities. The Ordinance on Banks, Credit Cooperatives and Financing Corporations promulgated on 24 May 1990 stipulates that people seeking financial credit, loans and mortgages at the bank are required to present documents as to their borrowing purposes, showing their financial capacity or their guarantor's, and hold legally mortgaged property. The Law on the State Bank of Viet Nam and the Law on Credit Organizations passed in 1997 state that people who are to be provided with mortgages or third party guaranteed credits are required to present to the bank documents on the feasibility of their business plans and the borrower or guarantor's financial capacity.

237. When the aforementioned conditions are satisfied, women, married or unmarried, and men have the right to borrow from the bank or mortgage their property without approval from other parties. In cities and industrial zones, it is common for women to borrow money from the bank to develop production, business or service ventures. They are not obstructed by banks or credit organizations on the basis of their sex. In rural areas, credit programmes (rural credit, the national job generation programme, and the national hunger alleviation and poverty reduction programme) aimed to develop production and improve the living conditions of farmers often take the household as their client. Article 117 of the 1995 Civil Code considers the head of the household as one who represents the interests of the family in civil transactions. The head of household is allowed to authorize other adult family members to act as the family representative in a civil transaction. Accordingly, there is no obstruction to women's access to credit services. Poor households with women as heads of family are often given priority by receiving loans earlier or granting greater amounts

compared with other recipients. Following are statistics presented in a report by the Bank for Agriculture and Rural Development on the implementation of the national programme to alleviate hunger and reduce poverty in the central provinces of Nghe An, Ha Tinh and Quang Binh.

Borrowers' loans, in terms of economic sector and gender

Member/million Vietnamese dong

Economic sector	*Less than 0.5 million*		*0.5 million-1.0 million*		*1.0 million-1.5 million*		*1.5 million-2.0 million*		*2.0 million-2.5 million*	
	Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Service	3/1.2	3/1	2/18.2	2/19.2	37/39.9	60/65.8	16/42.7	24/21.9	69/139	40/80.4
Agriculture	1,378/856.2	387/202.1	7,429/6,319	3,080/2,689	9,662/13,118	3,688/5,113	6,248/10,604	2,179/3,658	2,167/5,264	607/1,415
Others			137/136	13/12	153/189	64/77.5	68/108	123/179	80/187	41/103.5

238. In order to help women raise production and increase their income, mass organizations, particularly local women's unions have designed effective credit and savings models. Between 1993 and 1998, over 1 million women were granted loans worth D 9.8 billion. In addition, women have provided mutual assistance by sharing plant seedling, animal strains and production tools.

Right to participate in recreational, sports and cultural activities

239. In Viet Nam the superiority of the Socialist regime is partly reflected in its provision of public welfare, cultural, recreational and sports activities for all people. Women are encouraged to participate in recreational activities, enjoy various art performances, take part in cultural and amateur sports activities, as well as in sports competitions at all levels. Vietnamese women have won many awards in cultural, artistic, and sporting fields. Following are their performance by 1996:

(a) People's artists, 21;

(b) Meritous artists, 58;

(c) Gold medal winners at national and international contests, 57;

(d) Bronze, silver and golden medal winners at international sports events, 54;

(e) Bronze, silver and gold medal winners at national sports events, 374.

240. Noteworthy is that the number of females winning prizes is much higher than that of men, particularly in chess, track, field and wrestling. Women's soccer tournaments are frequently organized in Viet Nam. The first Vietnamese explorer to reach the South Pole was a woman. Amateur cultural and sports movements organized by agencies, enterprises, schools and residential areas regularly attract the participation of a great number of women. The Government has paid attention to directing and guiding these activities so as to ensure their healthiness and usefulness. On 18 September 1989 the Ministry of Culture and Information issued guidance No. 46 VH/QD governing the content and organization of beauty contests in order to ensure their educational effect in line with national cultural character while preventing trends towards commercialization. In recreation, there remain differences between husbands and wives and between urban and rural women, and particularly female inhabitants of remote and isolated areas. Following are the results of a survey conducted by the National Committee on Population and Family Planning (in percentages):

	Never		Sometimes		Daily	
Aspects of participation	*Wife*	*Husband*	*Wife*	*Husband*	*Wife*	*Husband*
Listening to the radio	25.2	15.5	36.6	32.0	38.1	52.0
Watching television	19.8	3.9	37.9	35.6	42.1	50.3
Reading newspapers	53.0	39.0	36.5	41.9	9.6	18.9

241. In conclusion, the guarantee of economic, social and cultural benefits for women is experiencing difficulty in Viet Nam despite the country's recent marked social and economic improvement . The gap between rich and poor, and between urban and rural dwellers has been widened while the introduction of a market economy has affected family benefits and cultural and sports activities. Apart from the burden of housework, Vietnamese women, owing to lower education levels, have less opportunities than men to access bank loans. Even when they are provided with bank loans, the use is of low efficiency. Women also have less opportunities than men to participate in recreational, cultural and sports activities.

N. Article 14

242. The State of Viet Nam, since its foundation, has practised social justice. The State's position on the issue has been consistently manifested in various legal documents and socio-economic plans for each stage of national development. This serves as an essential condition for rural women to enjoy their just rights and interests.

Role of rural women and special issues for rural women

243. Rural women account for 78.66 per cent of the total number of women in Viet Nam and represent 53 per cent of the agricultural labour force. Women as heads of household heads make up 27.9 per cent of total farmer households.

244. Rural women have made great contributions to the family and society. Apart from their role as mothers and wives, they care for children, older family members and the ill, and are responsible for feeding the family. Vietnamese rural women are also directly involved in organizing and working to earn income and food for the family. Women participate in almost all production branches of agriculture, forestry, fisheries and services with the majority being involved in food production and animal husbandry. Rural women usually undertake hard and manual work. Furthermore, women constitute a decisive force in implementing rural development projects covering irrigation, road construction, water supplies works, sanitation and the National Programme on Population and Family Planning. Socio-cultural and community activities also see women's participation at different levels.

245. Despite their great contributions to society, rural women experience disadvantages and challenges, including:

(a) Working overtime regularly to ensure the economic survival of the family;

(b) Seasonal shortage of jobs and low working efficiency;

(c) Poor education levels and absence of job training;

(d) Lack of information and less opportunities to participate in cultural and sporting activities;

(e) Burden of outdated customs and prejudices from family and community;

(f) Poor infrastructure facilities and bad sanitation conditions;

(g) High birth rates and inappropriate distribution of the workload.

246. The aforementioned problems have significantly affected the rural population, men and women alike. However, in their current position, rural women suffered many more disadvantages than men and their urban counterparts. The situation has drawn the attention of the administration at all levels and has been addressed through agriculture and rural development programmes.

Measures taken to ensure rural women's rights and interests

Participation in the elaboration and implementation of development planning at all levels

247. As stipulated in article 53 of the 1992 Constitution, all citizens, including rural women, have the right to participate in social and State management and directly discuss and implement socio-economic development plans in their locality. Usually, rural women's participation in mapping out plans is conducted through the activities of women's unions at all levels. The local women's union is the representative of rural women in their community. Regulations on the responsibility of local administration at different levels for ensuring the State management by the Viet Nam Women's Union were defined along the line of decision 163/HDBT issued by the Council of Ministers (now the Government) on 19 October 1988. In practice, the representative mechanism has proved suitable for the educational level and specific characteristics of rural women, making active contributions to rural life. A report reviewing six years of implementing government decision 163 of 1995 affirmed: "The Women's Union has exercised close coordination with the local administration and made active contributions to successfully implement projected targets in economic, cultural, social, population and family planning domains."

248. Programmes and projects, particularly those for hunger eradication and poverty reduction, water supplies, sanitation and population and family planning have gradually drawn an increasing direct participation by women at all levels. Government decree 29/1998/ND-CP of 11 May 1998, on promulgating regulations on the exercise of the people's right to democracy at ward and commune levels, is an affirmation of the Government's respect for the rights of citizens, including rural women. According to the decision, people are permitted to discuss and determine six different issues, merely discuss and give recommendations to the People's Council and People's Committee eight different issues, and inspect and supervise the implementation of 10 different issues. In order to implement the decree, the Prime Minister on 15 May 1998, issued instruction 22/1998/CT-TTg on carrying out the regulations on democracy at the commune level.

Health care, education and training rights

249. Rural women and men are equal in enjoying Government health care and education policies. However, the implementation of the policies faced with great difficulties in rural areas owing to poor infrastructure and a lack of human resources.

250. On public health, the Government aims to strengthen the health-care network at the grass-roots level through the totally subsidized provision of all medical equipment and medical workers, subsidizing the medicine transportation fee, establishing preventive medicine funds and granting free medicine, averaging 10,000 per capita per year, to people in remote areas. Localities also award health insurance policies to war invalids, needy family members of war martyrs and poor families. The preliminary health-care movement has been widely launched in residential communities. The medical worker network has been expanded

to villages. The efforts have resulted in a marked improvement in rural women's health. Information on policies and measures to implement family planning have been widely distributed to villagers following the promulgation of the National Committee on Population and Family Planning's circular 497 UB/GDTT of 1992 providing instructions on implementing the information-education-training strategy for population and family planning. Generally speaking, rural women have been able to have access to appropriate health-care services, including family planning services (see article 13).

Education

251. Owing to the government policy to strengthen the school network in rural areas, rural women have enjoyed better education conditions compared with that of the previous decade. Apart from attending primary and secondary schools, women can also attend formal and informal job training courses at vocational training centres and short-term training courses. Training courses available in rural areas include advanced animal husbandry and farming techniques, integrated pest management farm produce processing, new trade skills and small businesses and service management.

Social welfare

252. The Government aims to implement a preferential policy towards those who have rendered great service to the country. Many rural women are beneficiaries of this policy. At present, 80 per cent of the policy's beneficiaries are rural women, including mothers, wives, children of war invalids and fallen combatants and women contributors to the armed forces. Preferential treatment includes monthly provision of either a monetary or food allowance, exemption or reduction of school fees, grant of scholarships, health-care insurance policies and a reduction of agriculture, business and service taxes. In addition, through the mass movement on the theme "paying the debt of gratitude", donations were made for the construction of 70,000 compassionate houses and the upgrade of 60,000 others for beneficiaries of the policy. The "paying the debt of gratitude" fund totalled 252 billion. The State conferred the "Vietnamese heroic mother" title on 36,000 rural women. All living Vietnamese heroic mothers receive care and support from agencies and enterprises.

253. The outstanding issue for both rural women and men community workers is that they do not have access to social insurance policies. Relevant agencies should promptly make recommendations to the Government to devise proper policies in the near future.

Organization of self-help production groups and creating opportunities to access credit for rural women

254. The Party's tenth resolution, issued on 5 April 1982 on reforming agricultural and economic management led to a basic change in the agricultural management mechanism in Viet Nam's rural areas, e.g., liberation of the labour force; farmers' independence in making production decisions; the household as a self-supporting economic unit; and the agricultural cooperative's supporting role to the household economy. With the implementation of the 1996 Cooperative Law, Viet Nam's rural areas are currently experiencing structural changes, namely the establishment of new model cooperatives, the development of the rural credit programme to help farmers eradicate hunger, alleviate poverty and develop commodity production. Rural women have been given greater opportunities to develop production, therefore improving their social status towards reaching equality between men and women. Apart from participating in local cooperatives, rural women are given opportunities to join women's credit or saving groups set up by local women's unions, "successful production and business" chapters of the Farmers' Association,

organizations under the Agriculture Promotion Association and the Gardeners' Association. Vigorous development can be seen in the development of farm economic models. The service network to serve production and daily life has been diversified. Such changes resulted in women's greater access to jobs to increase their income. In fact, rural women have played a primary role in non-agriculture sectors, services and small businesses. During the farming off-season, rural women often leave their home for urban areas seeking temporary jobs to increase their income. The economic restructuring process has obviously created more opportunities for women to participate in economic activities to better ensure their family's livelihood.

255. Regarding the credit issue, article 376 of the 1995 Civil Code stipulates: "Social-political organizations of a locality may guarantee obligations by way of 'pledge of trust' in order for poor individuals and households to borrow small sums from banks or credit institutions for purposes of production, business [or] provision of services in accordance with the regulations of the Government." Rural women have enjoyed the government credit policy for farmers, which allows women to receive a loan of up to 1 million without mortgage requirements. These loans are made through women and self-help groups in conformity with the spirit of decree 14 CP issued by the Government on 2 March 1993. At present, about 50 per cent of rural women have access to low-interest credit loans. Poor families with women as the bread winner are given priority by the Government to have access to the State fund for the poor and the Farmers' Support Fund. These families are also provided with technical assistance and instructed on how to boost production. The Women's Union collected 70 billion by launching a movement on the theme "a saving day for poor women". The money was channelled to 26,000 poor women. With 23 billion allocated from the national fund for job generation, the Viet Nam Women's Union created 140,000 more jobs for women. However, rural women wish to have greater access to credit loans, and to be provided with technical, facilities and marketing assistance so as to raise the efficiency of loans given to them.

Land-use rights of rural women

256. Article 18 of the 1992 Constitute states that the State shall entrust land to organizations and private individuals for stable and lasting use. These organizations and individuals may transfer the right to land use entrusted to them by the State in accordance with the law. According to the 1993 Land Law and decree 64/CP of 1993 on promulgating regulations on allocating cultivation land to households, individuals for long-term agricultural production purposes, households and individuals, irrespective of their gender, shall be entrusted with land for stable and lasting production if they meet one of the following criteria: they must be either a permanent resident, a learner, a soldier or a farmer. A supplementary regulation exists regarding allocation of land to unmarried women over 30 years old on their wish to live on their own. According to initial statistics, more than 7 million rural households were granted land use certificates and another 4 million were granted residential land use certificates. In most cases, the certificates have been co-signed by the husband and the wife or by the husband only with prior agreement by the wife as the co-owner of the land or the house. Some 12.7 per cent of these certificates are granted to households headed by women with most of them being single or widowers. Men and women are equal in the process of land allocation in Viet Nam's rural areas. Women enjoy the same rights as men, namely the right to exchange, transfer, rent, inherit, or mortgage the right to use land. However, there remains outstanding issues that should be addressed by policy makers in the future. For example, many women after marriage do not have land for cultivation because their parents and their husband's parents do not give them the right to use land allocated to their respective families. Moreover, women are usually not entitled

to land inheritance from their parents owing to the traditional family custom of son preference.

Infrastructure and sanitation

257. Vietnamese women living in rural areas enjoy better living and production conditions owing to the marked improvement in the life of the country's rural communities. In carrying out the resolution of the fifth Party Central Committee, the seventh Congress, in 1993, on stepping up renovation and boosting socio-economic development in rural areas, the Government increased investment in rural areas. To date, nearly 100 per cent of communes have access to the national electricity grid, 93 per cent of them are linked to their respective province centres by large roads while all the communes have a primary school, a clinic and an information office. The Government has also paid special attention to water supplies and sanitation issues. Some 30 per cent of the rural population gained access to running water by 1997. The Government has set a target of having 50 per cent of rural women educated in sanitation, urging them to follow hygiene regulations, assisting women in flood-stricken areas to build houses and ethnic minority inhabitants to establish permanent dwellings. These are initial but significant outcomes, which help to ensure and improve the living conditions of the rural population, including women.

258. Many rural women wish for capital assistance, new techniques to expand their production and market their farm, forest and fisheries products. They also hope to enjoy better heath care, education and recreational activities. It is necessary to continue to complete regulations and procedures related to the Land Law in order to fully ensure women's right to production and residential land use. The supervision and inspection of law enforcement and implementation of regulations related to women and children in localities should be carried out on a more regular and serious basis.

O. Article 15

Equality of men and women before the law

259. Article 52 of the 1992 Constitution stipulates that all citizens are equal before the law. Article 125 of the 1985 Penal Code states that any person resorting to violence or committing other serious acts in order to prevent women from participating in political, economic, scientific, cultural or social activities shall be subject to a caution, to non-custodial reform for a period of up to one year or a term of imprisonment of between three months and one year. Thus, Vietnamese law ensures equal rights between men and women, contains no discrimination against women in civil transactions and protects women from any kind of discrimination.

Women's legal status in civil transactions

260. Article 8 of the 1995 Civil Code states that in civil relations, parties are all equal; one may not use differences regarding gender as reasons to treat each other unequally. And article 12 stipulates that when a person's civil rights are violated, he/she has the right to request a court or competent State authorities to take necessary measures for his/her protection.

261. According to articles 16, 17, 18 and 19 of the 1995 Civil Code, women have the same rights and obligations as men under Vietnamese law. Article 20 stipulates that a person who is 18 years of age or older has full civil capacity to independently engage in civil transactions, including the rights to enter into civil contracts, to self-manage his/her property

and to engage in civil prosecution procedures at the Court. Furthermore, it is stipulated in article 22 of the 1995 Civil Code that in circumstances where a person who is over 15 but under 18 has separate property sufficient to ensure the performance of obligations, such person can establish and perform civil transactions, including entering into contracts without requiring the consent of a representative.

262. The aforementioned regulations show that Vietnamese law practically ensures the equality of men and women in civil transactions. There is no regulation that restricts, alters or denies such right for women.

263. In reality, Vietnamese women today have full freedom to enter and implement civil contracts (as an individual or a representative of a family, a cooperative group or another legal entity). A survey of 1,000 women showed that over 76 per cent of urban women and 51.2 per cent of rural women said that they had full independence and they themselves had entered into civil contracts (particularly contracts to borrow capital from the bank, mortgage property, etc.). The same survey revealed that 23 per cent of urban women and 46 per cent of rural women said they voluntarily passed this right to their husbands or children for implementation.

264. Women have the right, individually or in cooperation with others, to establish private companies, businesses or enterprises. They have full freedom of management over company property or their own without requiring consent from their husband or father. Women's right to manage their property is ensured by the law and reality shows that there is no discrimination against women in this domain. According to a report by the Viet Nam Chamber of Commerce and Industry, of the 30,000 State and private enterprises, 15 per cent have female directors or deputy directors, while of the 900,000 family-based businesses, 27 per cent are managed by women.

265. In property or economic disputes, according to the 1989 ordinance on procedures to settle civil cases and the 1994 ordinance on procedures to settle economic cases, women have an independent right to personally engage in prosecution procedures or to request a lawyer to protect their rights before the court. In 1996 alone, local courts across the country received and processed over 40,000 cases of property dispute cases, with 30 per cent of the lawsuits lodged by women. Women have the right to engage in legal proceedings as regulated by law.

266. Courts and other legal agencies process and settle cases without restricting, preventing or denying women's right to engage in litigation activities to protect the interests of organizations and businesses that they represent.

Principles of equality, freedom, voluntary commitment and agreement

267. Article 57 of the Constitution states that the citizens irrespective of their gender, enjoy freedom of enterprise as determined by law. Article 395 of the 1995 Civil Code stipulates that parties, men and women alike, entering into civil contracts shall comply with the principle of voluntariness, equality, goodwill, cooperation, honesty and good faith. When one party entering into the civil contract is a woman and the other a man, the stated principles remained unchanged without any discrimination. In cases where these principles are not strictly followed or there are violations of the voluntariness and gender inequality in signing the contract, the contract shall be invalid as in accordance with article 136 of the 1995 Civil Code.

Women's equal rights to freedom of movement and to choose their residence

268. Article 68 of the 1992 Constitution and article 44 of the 1995 Civil Code stipulate that men and women enjoy freedom of movement and of residence within the country; he/she can freely travel abroad and return home as determined by the law. Movement and choice of residence by each individual is decided according to his/her need, wish, capacity and circumstances without any prohibition under the law. Article 51 of the 1995 Civil Code stipulates that a wife and husband may have separate places of residence if they wish to do so.

269. In reality, government policies and local regulations on movement, residence and housing consistently reflect the equality of men and women and contain no restriction or discrimination against women. With the development of the market economy in Viet Nam, more and more people, both men and women, are moving from the countryside to urban areas in search of stable employment and accommodation. The Government encourages people to settle in pre-planned economic areas. Mountainous localities are taking initiatives to help local inhabitants stabilize their life and production, thereby improving their living conditions. However, reality shows that there are cases where women and men do not meet necessary requirements for free migration and choice of residence. Female inhabitants in highland and remote areas cannot afford the freedom to move to the location of their choice, particularly under poor conditions of transport and roads. Survey statistics show that about 90 per cent of the families in urban centres like Hanoi and Ho Chi Minh City can afford a bicycle or a motorbike while the rate drops to 35-50 per cent in rural areas and as low as 16 per cent in areas inhabited by such ethnic groups like Tay, Nung or Thai minorities. There remain shortcomings in ensuring women's right to freedom of movement, residence and housing. The restriction is partly attributed to poor infrastructure facilities and social practices. In the renovation process, the improvement of living conditions and the promotion of public awareness are important prerequisites for the enjoyment by all people, including women, of these rights.

P. Article 16

Legal basis of equal rights to marriage relations

270. The principle of equality between men and women and the protection of the interests of women in Vietnamese families has been carried out since the country's independence in 1945. In each stage of development, the principle has been further developed and highlighted. The expansion of the principle has been based on regulations in the Vietnamese Constitution and laws. The implementation of the principle is also ensured by the country's socio-economic development policies.

271. The Law on Marriage and the Family was revised for the second time in 1986 — the year that marked the beginning of the national renovation process. In the revised law, marriage and family relations, including those involving foreign partners, were protected. Feudal prejudices and regressive customs on marriage and family have been gradually eliminated. The role of the women in the family and society has been raised.

272. The 1986 Law on Marriage and the Family is important in a sense that it legally ensures the right to equality between men and women in all marriage and family relations, ranging from marriage, divorce, personal relationships, property ownership between husband and wife and between parents and children to the adoption of children and guardianship.

273. Article 64 of the 1992 Constitution, articles 35 and 36 of the 1995 Civil Code and other regulations of Vietnamese law affirm that marriage shall conform to the principles of free consent, progressive union, monogamy and equality between husband and wife. The husband and the wife should enjoy equality in all aspects of marriage, even when the marriage is terminated, particularly in matters related to their personality and property.

274. The principle of freedom and voluntariness in marriage is consistently applicable to both men and women when they are qualified to marry as determined by law. Article 6 of the 1986 Law stipulates that marriage can be decided on by the man and woman who are seeking it, and neither of them shall be forced by any other party into marriage. Article 5 of the 1986 Law states that men reaching the age of 20 and women at 18 or over are eligible to marry. The difference in age regulated for men and women does not imply any discrimination against women, but is rather due to psychological and physical development of Vietnamese people, with an aim to ensure the fulfilment of marital and parental obligations and protect the health and minds of their children.

275. Article 143 of the 1985 Penal Code stipulates that any person forcing another into a marriage contract against the latter's will or preventing another from contracting or continuing within the bonds of a marriage freely entered into, through physical abuse, ill treatment, mental coercion, property demand or by other methods shall be subject to a caution, to non-custodial reform for a period of up to one year or to a term of imprisonment of between three months and three years.

Equality in free and full consent marriage

276. The Government and mass organizations have paid attention to the dissemination of information and education about the marriage and family law in schools. Young men and women perceive their right to freedom and voluntariness of marriage. They enjoy the same right to choose a spouse, and in most cases they receive support from their family and community. Violation of the free marriage principle has gone down. According to reports submitted by local people's courts, the number of cases where free and progressive marriage was restricted was much lower compared to other cases related to marriage and the family in 1997.

277. Improvement has been seen in the implementation of the principle of free and progressive marriage in areas inhabited by ethnic communities. Surveys showed that a majority of young men and women (81.1 per cent of the Tay, 60.7 per cent of the Nung and 77.4 per cent of the Thai minorities) had voluntarily consulted their parents before making a decision on marriage. Only a few of them (1.5 per cent of the Tay, 1.3 per cent of the Nung and 3.2 per cent of the Thai) had made a decision regarding marriage without consulting their parents.

278. However, the incidence of forced marriage or obstructing free and progressive marriage still occur, especially in rural and highland areas and areas inhabited by ethnic groups. In the period 1987-1995, 33 cases of forced marriage were brought before the people's court of Kon-Tum province (in the central highland), while the people's court in the southern province of Tay Ninh tried 5 such cases. In order to overcome the situation, it is necessary to intensify education on law, therefore raising legal awareness of the people, including women.

279. Thanks to the improvement in the awareness by the entire society, including women, of marriage, the violation of monogamy has gradually declined. Polygamy is considered illegal, strictly punished by the court and condemned by society. In many localities, women's unions have worked actively to help women protect family happiness, particularly when

they are neglected by their husbands. In recent years, divorces owing to the husband's taking a mistress account for only 0.5 per cent of total divorce cases. However, violence against women and maltreatment of wives and children in rural areas remain a major social concern.

280. Marriage must be registered at authorized State agencies as determined by the law. However, cases of unregistered marriage still exist.

281. Divorce is performed by people's courts at different levels based on the marriage situation after a process of advice and conciliation. Divorces are carried out on the principle of equality between men and women and are free from coercion.

Equality of rights and obligations in marriage

282. Article 63 of the 1992 Constitution, article 36 of the 1995 Civil Code and articles 10 to 18 of the 1986 Law on Marriage and the Family stipulate that husband and wife are equal in rights and obligations in all aspects of the family and in social interaction. Women have the right to maintain their maiden names and are not required to use their husband's family name after marriage. In conjugal life as well as post-divorce period, women have the right to choose a career suitable to their qualifications and abilities independent from their husband's will. In family relationships, wives and husbands usually discuss and agree on an appropriate share of family responsibilities.

283. In a great majority of Vietnamese families today, particularly in cities and townships, husbands and wives are equal in the family based on mutual respect, love and assistance in bringing up, caring for and educating their children. The role of women in the family and society has increasingly improved. Family matters, particularly important ones, are now discussed and agreed to between husband and wife.

284. In rural areas, men are usually responsible for hard work like ploughing the field while women take up lighter jobs like transplanting, harvesting the crops and raising animals. Surveys conducted in recent years in a number of localities inhabited by ethnic minority groups showed that labour sharing in families was relatively appropriate: men were responsible for 81.7 per cent of clearing and ploughing the land, 75.82 per cent of growing crops and 80.26 per cent of harvesting, while women had responsibility for 71.52 per cent of raising animals and 90.6 per cent of housework.

285. On property relations, article 15 of the 1986 Law on Marriage and the Family stipulates that husbands and wives shall have equal rights and duties with regard to their common property and that all dealings involving property of considerable value shall require general consent between husband and wife. Vietnamese law does not recognize the chauvinist role of the husband in the family. Statistics from various surveys showed that nearly 90 per cent of urban women and 70 per cent of rural women control their family's finances. A majority of husbands agree to give their wives this right; therefore, women have opportunities to engage in civil transactions. In highland areas, the number of women who can make their own decisions on the purchase of family accessories is on the rise. The rate is 69.6 per cent by women and 28.7 per cent by men in the Tay ethnic group; 52.6 and 22.4 per cent in the Nung ethnic group; and 30.9 and 50.8 per cent in the Thai ethnic group.

286. According to Vietnamese practices, the husband is often responsible for managing farming/residential land and valuable properties owned by the family, hence their responsibility to register these assets. In practice, many civil contracts (e.g., house and/or high-valued property purchase or sale) concluded by the husband without consulting his wife were disapproved by the authorities as null and void. There were other cases where women sued their husbands for deception in family property transactions and the courts

declare such contracts null and void. For instance, in the period 1995-1997 alone, the court ruled in over 200 cases of that nature.

287. However, women still meet with various difficulties in implementing their equal rights to property, particularly in determining possession rights. Legally, women cannot use ownership certificates in their husbands' names of property owned by both husband and wife in civil transactions or as collateral when applying for bank loans. In order to do away with this, local administrations advised families that family property should be registered in the names of both husband and wife. This is also a positive measure to protect women's interests in case of divorces.

Equal rights and responsibilities for children

288. Article 64 of the 1992 Constitution, article 36 of the 1995 Civil Code, articles 19, 20 and 24-26 of the 1986 Law on Marriage and the Family, and articles 16 and 17 of the 1991 Law on the Care and Protection of Children stipulate that the mother and the father have the same rights and responsibilities in matters related to their children, irrespective of their marriage status. In the family, the mother has equal rights with the husband in caring for, bringing up, protecting and ensuring the education of their children, as well as acting as representatives before the law and managing the property of their children when they are minors (below 18 years of age). In divorce cases, both fathers and mothers shall have the same rights and obligations to their children, no matter with whom the children reside.

289. Articles 40 and 69 of the 1995 Civil Code and articles 34 and 36 of the 1986 Law on Marriage and the Family stipulate that adoption of a child in Viet Nam shall be performed in accordance with the principle of humanity and for the purpose of reserving the best for children in conformity with the United Nations Convention on the Rights of the Child to which Viet Nam is a signatory. Vietnamese law contains no regulations that prevent or restrict women from exercising equal rights to men in caring for and supervising their children. Legal documents stipulate that children, boys or girls, have the same right to be adopted or supervised and enjoy the best things reserved for them by their adoptive parents or chaperones.

290. In practice, the law in Viet Nam has basically established equality of men and women in caring for, bringing up and educating their children, particularly children under 18 years of age.

291. In divorce cases, Vietnamese courts often rule that the mother shall care for small children, particularly children of breastfeeding age. In many cases, responsibility for bringing up children is determined by the court taking into account the practical interests of the children themselves. Fathers or mothers who do not directly bring up the children are required to share the expenses of child-rearing.

292. Women and men have the same rights to decide on family size and the spacing between their children. Fully aware of a population boom, which will consequently exert an adverse impact on national socio-economic development, the Government of Viet Nam has since 1985 officially implemented a campaign on the theme "*Each couple should have only one or two children so as to provide their child(ren) with good care and education*", particularly in the situation of economic difficulty. The health-care sector and the National Committee on Population and the Family planning have coordinated with mass organizations, particularly the Viet Nam Women's Union, to encourage young couples to keep spacing between their two children from three to five years. The move aims to improve the health of mothers and children. Generally speaking, the size of the family and the spacing of

children are discussed and agreed to by both the husband and wife. Women's awareness of these issues has gradually improved.

293. However, there have been cases in which women were forced to give birth to many children with shortened birth spacing because of pressure from the husband's family to have a son and also owing to the outdated belief that "fortune will come to a large-size family". This situation is commonly seen in rural, isolated and remote areas or areas inhabited by ethnic minority groups. Increased efforts from the Government and social and mass organizations are required to improve people's awareness of family planning issues. The health-care service and family planning programmes should exert greater efforts to provide essential medical facilities to meet people's family planning requirements, thereby enabling women to make the decision on their own. One problem that needs to be tackled with jurisdictional measures is that of divorce because of the absence of a son to carry on the family name, which is common in countryside and areas inhabited by ethnic minority communities. In 1996 alone, local courts took up 49,711 divorce cases, with 17.5 per cent saying that they had to divorce because they had no son, which was unacceptable to their family and relatives.

Registration, betrothal and marriage of children

294. Article 5 of the 1986 Law of Marriage and the Family stipulates that men who reach the age of 20 and women of 18 or over are eligible to marry. These are the minimum ages for marriage. There is no exception for men and women to marry earlier. Therefore, the regulation is applicable to all people, irrespective of their ethnic grouping, religion or family background. Article 9 of the Law on Marriage and the Family stipulates that if the regulation is violated, the marriage shall be considered null and void, and will be dissolved by the court.

295. Article 145 of the 1985 Penal Code stipulates that any person who arranges an under-age marriage or enters into marriage with a person under the legal age shall be subject to a caution, to non-custodial reform for a period of up to one year or to a term of imprisonment of between three months and two years, and such a marital relationship shall be terminated by the court.

296. On recognition of marriage, article 8 of the 1986 Law on Marriage and the Family stipulates that a marriage shall be recognized and recorded in the Marriage Registration book, with proceedings prescribed by the State, or by the People's Committee of the commune, ward or town where one of the prospective spouses resides.

297. The review of the 10-year implementation of the Law on Marriage and the Family (1986-1996) showed that a majority of people had abided by the legal regulations on marriage. The average marriage age for urban people is 24-28 and for the rural population is 19-22.

298. The review also showed that there was violation of regulations on the marriage age and registration. Young marriage often occurs in women aged 16 or 17 and in men aged 18 or 19 and the rate is often much higher in the case of girls. This is mainly because of the low level of awareness among the people, particularly among ethnic minority groups, a lack of legal knowledge on marriage and the family and the fact that many young women are afraid of difficulties in finding a husband, or the need to have more labour in the family. Owing to lack of consciousness for their responsibility, local administrations often issue marriage certificates to couples who violate the marriage laws.

299. As mentioned above, marriage shall be legal when it is registered at and recognized by the relevant authorities. However, there were many cases where men and women held wedding ceremonies and lived together without registering their marriage. The rate of

unregistered marriages made up as many as 50 per cent of the total marriages in some communes of Ha Tay and An Giang provinces. The main reason was that people had neither learned of nor respected the law.

300. The eradication of illegal marriages requires the exercise of unified measures. Concerned State agencies should pay more attention to and persevere in promoting public awareness of the Law on Marriage and the Family. It also requires a more active role by the Viet Nam Women's Union and the Youth Union. Regular inspection of marriage registrations should be conducted by people's committees at the commune and ward levels. Training courses on the issue should be organized and when necessary severe punishment, including criminal prosecution, should be applied to the violation of the Law on Marriage and the Family.

Q. Reservation on paragraph 1 of article 29

301. The implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Viet Nam over the past 17 years has shown that disputes related to the interpretation and application of the Convention between Viet Nam and other States parties have been solved through negotiations without being brought to the International Court of Justice.

302. The Government of Viet Nam greatly appreciates paragraphs 2 and 3 of article 29 of the Convention within the context of world economic integration, and at the same time reaffirms that all disputes related to the interpretation and application of the Convention should be solved on the basis of cooperation and respect for the fundamental principles of international law.

303. For these reasons, the Government of Viet Nam continues its reservation on paragraph 1, article 29, of the Convention.

IV. Conclusion

304. The implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Viet Nam has in the past 10 years obtained marked progress and brought about many practical results. The Government of Viet Nam has exerted great efforts to implement its commitment to the Convention. The efforts have been clearly reflected in the renovation of the political system and the development of its legal system in order to create an appropriate and sustainable political and legal basis as well as effective institutions to ensure women's enjoyment of their rights as enshrined in the Convention. Policies on renovating the economic mechanism and the operation of political, cultural and social branches, together with achievements gained in the process have actually helped to boost equality between men and women in conformity with the Convention. Through its policies and concrete actions, the Government, together with socio-political organizations, has promoted public awareness of the advancement of women. This is an encouraging result, particularly when taking into account Viet Nam's severe difficulties originated from vestige of the country's former regimes, the consequences of several decades of war, the low level of economic development and the economic transitional period.

305. Progress in the implementation of the Convention is seen in the continuation of the achievements recorded with tireless efforts by the Government and people of Viet Nam over several decades. The idea of women's emancipation and promoting equality between men

and women have been permeated in policies and acts by the Communist Party and the Government. Since its foundation in 1930, the Communist Party of Viet Nam has considered "equality between men and women" as one of the 10 key tasks of the Vietnamese revolution. President Ho Chi Minh, the first President of an independent State of Viet Nam, once said unless women are liberated, half of humankind are not liberated. The comprehensive renovation policy initiated by the Communist Party and the Government of Viet Nam as well as the implementation of this policy has created new drives and conditions for the accomplishment of this idea.

306. While proud of what has been accomplished, the Vietnamese Government and people, including women, are fully aware that there remain many difficulties and challenges to be overcome to bring the terms of the Convention into reality. The difficulties can be seen in the continued existence of the feudal ideology of respecting men and looking down on women, social prejudices against women's role and social status, shortcomings of a low level of economic development and weaknesses of the State apparatus, legal system and law enforcement mechanism. Complicated socio-economic developments and international and regional difficulties also pose challenges to Viet Nam.

307. The Government and people of Viet Nam consider the promotion of women's advancement as a decisive part of the national renovation process. The success of embracing the ongoing renovation process will strengthen the achievements in and create favourable conditions for women's advancement, including better implementation of women's rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women. The Government approved in 1997 a National Plan of Action for the Advancement of Women to the year 2000. The Plan of Action contains concrete measures to improve the material and cultural lives of women, to bring into full play women's qualifications, capacity and role. The move aims to help women accomplish their rightful role and participate equally in all aspects of life, particularly in political, economic, cultural and social activities, thus making worthy contributions to national industrialization and modernization for the objective of a prosperous people, a strong country, a fair and civilized society. The Plan of Action is Viet Nam's official commitment to the implementation of the global strategy on women approved during the Fourth World Conference on Women at Beijing in September 1995.

308. The Government and people of Viet Nam, including women, are aware that the fulfilment of the aforementioned tasks requires regular attention from the population and branches at all levels vis-à-vis policies and implementation measures. The accomplishment of these tasks cannot be done without common efforts by the international community in dealing with issues related to women's advancement, gender equality, international solidarity and cooperation.

309. For its part, the Government pledges itself to continue to boost the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Annex I

Legal documents related to women's rights approved by the Government since 1985

Name of document	*Date of approval*
Penal code	9 July 1985
Law on Marriage and the Family	3 January 1986
Land Law	8 January 1986
Criminal Procedure Code	9 July 1988
Law on Vietnamese Nationality	9 July 1988
Law Amending and Supplementing a Number of Articles of the Law on the Organization of the People's Court	4 January 1989
Law on Amendments and Supplements to a Number of Articles of the Law on People's Procurator	4 January 1989
Law on Election to the People's Council	11 July 1989
Law on the Organization of the People's Council and the People's Committee	11 July 1989
Law on the Protection of People's Health	11 July 1989
Law on Amendments and Supplements to a Number of Articles of the Penal Code	2 January 1990
Press Law	2 January 1990
Law on Amendments and Supplements to a Number of Articles of the Criminal Procedure Code	7 July 1990
Law on Private Enterprises	2 January 1991
Law on the Care, Protection and Education of Children	16 August 1991
Law on the Universalization of Primary Education	16 August 1991
Law on Amendments and Supplements to a Number of Articles of the Penal Code	16 August 1991
Law on the Organization of the National Assembly	18 April 1992
Constitution, 1992	18 April 1992
Law on Election to the National Assembly	18 April 1992
Law on the Organization of the Government	2 October 1992
Law on the Organization of the People's Court	10 October 1992
Law on Amendments and Supplements to a Number of Articles of the Penal Code	2 January 1993
Law on Amendments and Supplements to a Number of Articles of the Criminal Procedure Code	2 January 1993
Land Law	24 July 1993
Law on Amendments and Supplements to a Number of Articles of the Law on the Organization of the People's Court	10 January 1994
Labour Code	5 July 1994
Law on Amendments and Supplements to a Number of Articles of the Law on Private Enterprises	5 July 1994
Law on the Organization of the People's Council and the People's Committee (amended)	5 July 1994
Law on Amendments and Supplements to a Number of Articles of the Law on the Organization of the People's Court	9 November 1995

Name of document	*Date of approval*
Civil Code	9 November 1995
Cooperatives Law	3 April 1996
Law on Election to National Assembly	17 April 1997
Law on Amendments and Supplements to a Number of Articles of the Penal Code	22 May 1997
Commerce Law	23 May 1997
Law on Credit Organizations	26 December 1997
State Bank Law	26 December 1997
Law on Nationality	20 May 1998

Annex II

International conventions on human rights signed by the Government

Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (signed on 5 June 1957)

Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (signed on 5 June 1957)

Geneva Convention for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949 (signed on 5 June 1957)

Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Armed Conflicts (signed on 12 February 1977 and ratified on 28 August 1981)

Convention on the Elimination of All Forms of Discrimination against Women (signed on 29 July 1980, ratified on 30 November 1981, entered into force on 19 March 1982)

International Convention on the Suppression and Punishment of the Crime of Apartheid (signed on 3 April 1981, ratified on 9 July 1981)

Convention on the Prevention and Punishment of the Crime of Genocide (signed on 9 June 1981)

International Convention on the Elimination of All Forms of Racial Discrimination (signed on 6 May 1982)

International Covenant on Civil and Political Rights (signed on 24 September 1982)

International Covenant on Economic, Social and Cultural Rights (signed on 24 September 1982)

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (ratified on 4 December 1982, entered into force on 4 August 1983)

Convention on the Rights of the Child (ratified on 20 February 1990)

Conventions 5, 6, 14, 27, 45, 80, 81, 116, 120, 123, 124, 155, and others of the International Labour Organization

Annex III

Statistical information

A. Population

1. Average rate of population distribution, by gender

Year	Total	Men	Women	Men (percentage)	Women (percentage)
1985	59 872 000	29 285 000	30 587 000	48.9	51.1
1990	66 233 000	32 327 000	33 906 000	48.8	51.2
1995	73 962 400	36 095 400	37 867 000	48.8	51.2
1997*	76 709 600	37 736 400	36 973 200	49.2	50.8

* Estimated.

2. Population and population structure of some ethnic groups, by gender, 1989

Ethnic group	Number (thousands)	Men (percentage)	Women (percentage)
Kinh	55 900	48.8	51.2
Tay	1 190	49.6	50.4
Thai	1 041	49.8	50.2
Hoa	900	49.6	50.4
Khome	895	47.4	52.6
Muong	914	48.9	51.1
Nung	706	49.4	50.6
H'mong	558	49.6	50.4
Dao	474	50.0	50.0
Girai	242	48.8	51.2
Ede	194	49.5	50.5
Bana	137	49.6	50.4
Sanchay	114	50.0	50.0
Cham	99	49.5	50.5

3. Population structure, by age group and gender

(Percentage)

	1992		1994	
Age group	*Men*	*Women*	*Men*	*Women*
0-4	50.55	49.45	51.70	48.30
5-9	51.99	48.01	51.60	48.40
10-14	49.68	50.32	51.60	48.40
15-19	49.73	50.27	49.30	50.70
20-24	47.82	52.18	47.70	52.30
25-29	47.21	52.79	49.00	51.00
30-34	47.53	52.47	47.60	52.40
35-39	46.26	53.74	46.90	53.10
40-44	45.38	54.62	47.60	52.40
45-49	45.49	54.51	48.40	51.60
50-54	42.60	57.40	41.40	58.60
55-59	45.65	54.35	41.40	58.60
60-64	45.47	54.53	46.70	53.30
65+	42.06	57.94	41.40	58.60

B. Women and employment

1. Working population structure, by age group and gender

(Percentage)

	1996		1997	
Age group	*Men*	*Women*	*Men*	*Women*
15-24	34.05	33.49	33.50	32.73
24-34	27.91	29.29	27.38	28.62
35-44	22.06	24.38	22.69	24.92
45-54	11.29	12.84	12.04	13.73
55-59	4.69	0.00	4.39	0.00

2. Population structure, in regular employment, by age group and gender

(Percentage)

	1996		1997	
Age group	*Women*	*Men*	*Men*	*Women*
15-24	25.76	26.29	24.63	25.07
25-34	30.28	29.33	30.24	29.53
35-44	23.81	24.61	25.04	25.86
45-54	11.25	11.50	12.24	12.49
55-59	3.92	3.91	3.62	3.37
60+	4.98	4.36	4.23	3.68

3. 1989 working population structure, by occupation and gender

(Percentage)

Occupation group	*Total*	*Men*	*Women*
Management	7.7	7.8	7.7
Industry	9.1	9.7	8.4
Construction	1.4	2.1	0.6
Agriculture, forestry, fisheries	71.9	71.0	72.8
Transport, communications and post	2.1	4.0	0.5
Trade, supplies	5.5	2.4	8.3
Public service	1.1	1.7	0.6
Other	1.2	1.3	1.1

4. Population structure over 15 years of age, in regular employment, by educational level and gender, in rural and urban areas, 1997

(Percentage)

	Urban and rural		*Urban*		*Rural*	
Education level	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*
Illiterate	4.39	7.08	1.78	2.78	5.03	8.06
Did not finish primary school	18.46	23.32	11.76	15.65	20.11	25.06
Finished primary school	28.32	27.26	23.40	22.98	29.52	28.23
Finished lower secondary school	33.58	30.58	30.33	28.01	34.37	31.17
Finished secondary school	15.25	11.76	32.73	30.58	10.97	7.48

5. Population structure over 15 years of age, in regular employment, by occupation and gender

(Percentage)

	1996		*1997*	
Branches	*Men*	*Women*	*Men*	*Women*
Total				
Agriculture, forestry, fisheries	67.88	71.75	65.05	66.62
Industry, construction	12.28	8.80	10.39	9.65
Services	17.67	21.65	24.56	23.73
Urban				
Agriculture, forestry, fisheries	18.77	16.63	17.44	14.80
Industry, construction	31.11	22.63	23.48	22.16
Services	50.12	60.74	59.08	63.04
Rural				
Agriculture, forestry, fisheries	81.31	81.96	77.11	79.03
Industry, construction	8.18	5.53	7.07	6.65
Services	10.51	12.51	15.82	14.32

6. Population structure over 15 years of age, in regular employment, by qualification level and gender, 1996

(Percentage)

Qualification level	*Men*	*Women*
Unskilled	85.01	90.31
Elementary skills	1.77	1.78
Technical worker with certificate	3.88	0.67
Technical worker without certificate	2.96	1.40
Vocational	3.74	3.95
College university	2.68	1.88
Postgraduate	0.06	0.01

7. Economic activities, by gender

(Percentage)

	1996		*1997*	
Actual state	*Men*	*Women*	*Men*	*Women*
Active	84.37	82.49	83.70	79.03
Inactive	15.63	17.51	16.30	20.97

C. Women and family economy

1. Head of household structure, 1989

	Households (thousands)		*Structure (percentage)*	
	Men	*Women*	*Men*	*Women*
Total	8 821	4 137	68.08	31.92
Urban	1 323	1 233	51.76	48.24
Rural	7 498	2 904	72.10	27.90

2. Head of household structure, by marital status, in urban and rural areas, 1992

(Percentage)

	Total		*Urban*		*Rural*	
Marital status	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*
Married	95.6	42.2	94.2	57.3	95.8	34.8
Divorced	0.3	5.3	1.3	5.9	0.1	5.1
Separated	0.4	5.7	0.4	3.6	0.4	6.7
Widowed	3.0	40.9	3.4	27.5	2.9	47.4
Single	0.7	5.9	0.7	5.7	0.7	6.0

3. Family member distribution, by per capita income and gender, 1992

(Percentage)

Average income per capita (Million dong per person per year)	*Gender*	
	Men	*Women*
Under 0.5	29.23	25.62
Over 0.5-0.75	20.23	17.81
Over 0.75-1.00	15.51	14.51
Over 1.00-1.50	16.71	16.15
Over 1.50-2.00	7.68	10.23
Over 2.00-3.00	5.80	8.58
Over 3.00-5.00	3.47	4.80
Over 5.00	1.38	2.29

4. Income structure, by household income source and region, 1994

(Percentage)

	Source of income				
	Wage salary	*Agriculture, forestry and fisheries*	*Industry and construction*	*Services*	*Other*
Urban	31.44	12.61	9.43	26.42	20.10
Male head	30.61	15.37	9.60	25.95	18.47
Female head	32.99	7.40	9.11	27.31	23.19
Rural	15.86	56.22	5.01	10.60	12.31
Male head	14.71	58.62	5.24	10.07	11.36
Female head	22.16	43.04	3.76	13.52	17.52

D. Women and health

1. Average marriage age, by gender, 1989

	Men	*Women*	*Difference*
Nationwide	24.5	23.2	1.3
Urban areas	26.5	24.7	1.8
Rural areas	23.4	22.7	0.7

2. Rate of using contraceptive methods

(Percentage)

Contraceptive methods	*1988*	*1994*
Total	53.18	64.9
Modern contraceptive method	37.69	43.3
Contraceptive pill	0.41	2.0
Intrauterine device	33.14	33.2
Injection	–	0.1
Diaphragm	–	0.0
Condom	1.16	4.0
Female sterilization	2.67	3.9
Male sterilization	0.31	0.1
Traditional contraceptive method	15.10	20.9
Rhythm	8.09	9.7
Withdrawal	7.01	11.2
Other	0.33	0.2

3. Specific fertility rate and total fertility rate

Age group	*1989*	*1994*
15-19	0.035	0.041
20-24	0.197	0.187
25-29	0.209	0.187
30-34	0.155	0.109
35-39	0.100	0.060
40-44	0.049	0.033
45-49	0.014	0.002
Total fertility rate	**3.8**	**3.1**

4. Average number of live births per woman, by age group

Age group	*1989*	*1994*
15-19	0.05	0.04
20-24	0.63	0.64
25-29	1.67	1.66
30-34	2.77	2.57
35-39	3.64	3.49
40-44	4.36	4.12
45-49	4.94	4.62
Average	**1.94**	**1.90**

5. Maternal mortality rate

(Percentage)

Area	*1989*	*1990*	*1991*
Total	2.5	2.1	2.0
Urban	3.6	3.1	2.9
Rural	2.3	2.0	1.8

6. Infant and child mortality rates, 1984-1993

(Percentage)

Sex	*Under one year old infant mortality rate*	*Child mortality rate*	*Under 5 years old child mortality rate*
Male	50.30	17.11	66.67
Female	39.12	17.60	56.16

7. Number and structure of HIV-positive people, by gender

	At 29 December 1997		*At 30 March 1998*	
	Number	*Rate (percentage)*	*Number*	*Rate (percentage)*
Total	8 060	100.00	8 417	100.00
Male	6 549	83.8	7 053	83.8
Female	1 151	14.7	1 246	14.8
Unknown	119	1.5	118	1.4

8. Distribution of medical cadres, by gender and region, 1993

(Percentage)

Area	*Male*	*Female*
Northern mountainous area	37.1	62.9
Northern Delta	36.2	63.8
North-central	38.0	62.0
Central Coast	34.1	65.9
Central Highland	56.5	43.5
South-east	37.9	62.1
Mekong Delta	53.2	46.8
Total	**40.2**	**59.8**

9. Distribution of HIV-positive people, by cause

	At 29 December 1997		At 30 March 1998	
Cause	*Number*	*Rate (percentage)*	*Number*	*Rate (percentage)*
Drug use	5 151	65.9	5 488	65.2
Prostitution	381	4.9	404	4.8
Venereal diseases	189	2.4	202	2.4
Blood transfusion	180	2.3	202	2.4
Tuberculosis	302	3.9	328	3.9
Other	1 616	20.6	1 793	21.3
Total	**7 819**	**100.00**	**8 417**	**100.00**

E. Women and education

1. Literacy rate, age group, 1992/93

(Percentage)

	Literacy rate		Illiteracy rate	
Age group	*Female*	*Male*	*Female*	*Male*
10	86.31	87.76	13.69	12.24
11-14	92.02	90.10	7.98	9.90
15-17	90.92	92.38	9.08	7.62
18-24	92.50	92.29	7.50	7.71
25-29	92.86	93.87	7.14	6.13
30-34	93.30	95.23	6.70	4.77
35-39	90.68	95.70	9.32	4.30
40-44	86.15	94.44	13.85	5.56
45-49	79.33	95.36	20.67	4.64
50-54	74.89	94.46	25.11	5.54
55-59	64.29	88.44	35.71	11.56
60-64	50.87	87.50	49.13	12.50
65+	27.11	74.54	72.89	25.46
Total	**82.31**	**91.40**	**17.69**	**8.60**

2. Literacy rate, over 10 years of age, by area, 1992/93

(Percentage)

Area	*Female*	*Male*
Total	82.31	91.40
Urban area	90.73	96.30
Rural area	79.99	90.08
Region		
Northern Upland	81.60	90.63
Red River Delta	87.15	96.37
North-central	86.96	95.62
Central Coast	80.70	88.98
Central Highland	56.32	72.13
South-east	87.45	93.70
Mekong Delta	77.08	87.66

3. Teaching staff

	Total	*Female (number)*	*Female (percentage)*
Pre-school	152 660	[a]	100.0
Primary school	324 431	251 144	77.41
Lower secondary school	179 512	123 121	68.59
Upper secondary school	39 398	23 883	50.83
Secondary vocational school	9 770	4 363	44.65
Vocational training	5 296	1 362	25.70
College	6 406	3 105	48.47
University	17 674	5 607	31.72
Total	**742 734**	**565 251**	**76.1**

[a] Almost all.

4. Distribution of specialized professions, by gender, 1992/93

(Percentage)

Sector	*Male*	*Female*
Natural sciences	50.70	49.30
Social sciences	42.76	57.24
Economics	55.21	44.79
Science and technology	77.73	22.27
Agriculture, forestry and fisheries	65.85	34.15
Health care and pharmacy	42.48	57.52
Culture and sports	82.35	17.65
Literature, foreign language, international relations, history, special teaching skills	34.58	65.42
Other	55.32	44.68

5. Scientific and technological workers at central level, 1996

		Distribution		*Percentage*	
	Total	*Male*	*Female*	*Male*	*Female*
Natural sciences	2 538	1 608	930	63.35	36.64
Agriculture, forestry and fisheries	5 384	3 046	2 338	56.57	43.42
Health care and pharmacy	4 026	1 452	2 574	36.06	63.93
Science and technology	7 426	4 970	2 456	66.92	33.07
Social sciences and humanities	2 939	817	1 122	61.82	38.17
Total	**22 313**	**12 893**	**9 420**	**57.78**	**42.21**

F. Women in management in Party, State and mass organizations

1. Women in Party committees

(a) At the central level

	1991-1995		*1996-2000*	
Position	*Number*	*Percentage*	*Number*	*Percentage*
Politburo member	-	-	1	5.26
Party Secretary	1	11.11	-	-
Member of Party Inspection Committee	1	11.11	1	14.28
Member of Central Committee	12	8.21	18	10.58

(b) At the local level

	Provincial city level				District ward level			
	1991-1995		1996-2000		1991-1995		1996-2000	
Position	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Secretary	1	2.38	5	8.2	9	2.16	13	2.61
Deputy secretary	-	-	-	-	-	-	22	3.96
Standing committee member	32	6.29	55	8.21	263	7.09	365	7.50
Party Inspection Committee	-	-	20	13.42	-	-	106	10.40
Committee member	182	9.78	280	11.25	1 380	10.57	1 956	11.71

2. Women in the National Assembly

	Eighth session (1987-1992)		Ninth session (1992-1997)		Tenth session (1997-2002)	
Position	Number	Percentage	Number	Percentage	Number	Percentage
Deputies	88	17.8	73	18.5	118	26.22
Vice-Chairperson	1	20.0	0	0	1	25.00
Chief of Committee	3	42.9	2	22 2	2	33.33

3. Women in the administration at all levels

(a) At the central level

	1991		1996	
Position	Number	Percentage	Number	Percentage
Vice-President of the State	1	16.90	1	100.00
Minister and equivalent	4	9.52	5	11.91
Vice minister and equivalent	11	7.05	25	7.29
Chief of department and equivalent	30	13.33	46	13.03
Deputy chief of department and equivalent	54	8.97	84	12.12
Director General	17	2.72	25	3.97
Deputy Director General	148	4.34	138	4.01

(b) At the local level

	Provincial city level				*District ward level*			
	1991		*1996*		*1991*		*1996*	
Position	*Number*	*Percentage*	*Number*	*Percentage*	*Number*	*Percentage*	*Number*	*Percentage*
People's Council								
Member	439	12.17	633	20.4	2 630	12.263	3 112	18.4
Chairperson	1	1.89	4	7.55		3.00	12	3.57
Vice-chairperson	1	1.89	1	1.88		9.00	29	7.73
Member of secretariat	1	1.89	1	2.70			1	2.70
People's Committee								
Member	18	3.00	32	6.40		6.88	90	4.90
Chairperson	1	2.00	1	1.64	311	1.40	10	1.80
Vice chairperson	12	26.00	20	11.56	6	5.27	56	8.50
Member of secretariat			1	2.70	54		61	4.10
Other								
Branch Chief			80	4.40			448	19.15
Vice Branch Chief	438		250	8.50			584	20.62
Manager of company			89	9.64			96	18.11
Deputy manager of company	79		126	12.05			70	15.6

Annex IV

List of references

1. 1992 Constitution of the Socialist Republic of Viet Nam
2. 1994 Labour Code
3. 1995 Civil Code
4. Penal Code (amended in 1997)
5. 1998 Law on Nationality
6. Viet Nam's country report at the Beijing Conference: Part III: Development strategies for the advancement of Vietnamese women to the Year 2000
7. National Plan of Action for the Advancement of Women by the Year 2000
8. Booklet of the National Committee for the Advancement of Women in Viet Nam
9. Booklet of the Viet Nam Women's Union.